

Chairman Wiggam, Vice Chair John, and Ranking Member Kelly and committee members

Thank you for the opportunity to present testimony to the State and Local Committee concerning HB 563

My name is Cary Cain and I am a homeowner and resident of Symmes Township in Hamilton County.

All of the proponent testimony for HB 563 at the hearing on March 2, 2022 was presented by business lobbying groups in support of their member or business owners. The chamber of Commerce and the Ohio Real estate Investors groups have rallied their members to support this bill. I am one of thousands of homeowners across the state that are not members of a lobbying group that supports our interests. We rely on you, the elected legislators to represent our best interests as citizens and tax payers.

The proponent testimony emphasized the need to continue and expand short term rental business operations which in turn provides benefit to the local economy. The characterization that these short term rentals are people renting their house to supplement their income is misleading. Where do these people live when they are renting their home? These rental homes are owned by investors whose sole goal is to maximize their returns. The members of the Chamber of Commerce and the Ohio Real Estate Investors group are business entity owners operating a real estate rental enterprise. The desire of these business owners should not override the rights of local homeowners to rely on local zoning resolutions to manage the character of their communities thru the local elected officials.

I purchased my home two and a half years ago with the goal of living in a single family residential community closer to my children and grandchildren. My wife and I love the neighborhood and location - it is perfect for our retirement years. The house next door was sold one year after we moved in and we were told the house was going to be a rental. We were blindsided several weeks later when the rental operation started. I asked one of the 15-16 young women carrying things into the house if they were our new neighbors to which she replied - "on no, we're just renting it for the weekend".

In the time period from November 2020 through February 7, 2022 there have been 50 different groups renting the property. The average rental term from May 2021 through February 7, 2022 has been 3.5 days.

This community is zoned single family detached residence. The definition in the Symmes Township Zoning Resolution Sec 31.3-177 is:

“Residential, Single Family Detached: A dwelling designed for and occupied by not more than one family as that term is defined in this Article and surrounded by open space or yards and which has no roof, wall or floor in common with any other dwelling unit.”

In her proponent testimony the property owner stated that she rents the property to multiple families. Most people when they go on a trip or vacation take one car for their family. 46% of the rentals have included 3 or more cars and 85% of the rentals have included 2 or more cars. Obviously the property is intentionally rented to multiple families. Imagine living next to a house that have non-stop family and friend reunions every night of the week.

One of the property owners asked why I cared if there were different cars in the driveway each week. My reply was the cars themselves were not the concern, but the transient nature of everyone in those cars. Who are they? What risks do they bring to our community? The rental enterprise is located within 200 feet of school property - are there any sexual predators on the property? There are families with children ages 1-16 surrounding this rental business and they now have valid concerns about the transient population living within 200 feet of their homes.

The purpose of local zoning resolutions and zoning codes are to allow the community to have local control and to maintain the essential residential character of the community. Inserting business enterprises into areas zoned for single family detached residences is not consistent with maintaining that character. Representative Fowler Arthur mentioned that the Hotel Association was involved in drafting this bill. That is consistent with the conundrum as to what to call this type of business enterprise. Is it a hotel or an inn or a tourist home, or a category of bed and breakfast with no owner presence? Whatever the name, it is a business activity that is inconsistent with concept of a single family detached residence.

Representative Ferguson mentioned in his support of this bill that it is critical to allow short term rentals in seasonal areas such as Hocking Hills and Cedar Point. I whole heartily agree - those communities support short term rentals because those are vacation destinations and that rental activity is important to the community. That support is or should be reflected in the local zoning regulating that activity. This just emphasizes the importance of maintaining local zoning control so those areas that depend on that rental activity can thrive, and other communities can choose to control that activity as desired. One solution does not fit all situations.

HB 563 overrides the concept of control through local zoning codes or regulations. The local control is replaced with a broad brush state level mandate that no local entity shall be able to enact local zoning that reflects the wishes of their specific community or municipality. HB 563 would set a dangerous precedent of enacting statewide statutes to override local zoning directives that could impact residential, commercial or industrial situations.

I urge you to consider the impact of this state wide mandate that overrides the concept of local zoning that is tailored to specific situations in a community. We ordinary citizens rely on you, our elected officials, to represent our best interests and not only what is in the best interest of the business community. Maintaining the ability for local communities to control zoning and what businesses best fit within their community is in the best interest of the citizens and taxpayers.

Thank you for your time.

I will answer any of the committee members questions

Cary Cain