

TRUSTEES:
Michael S. Troyan, Chairman
Patrick J. Cavanagh
Eugene T. McCune, Jr.



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March 11, 2022

The Honorable Sarah Fowler Arthur
State Representative, District 99
77 South High Street, 12th Floor
Columbus, Ohio 43215

Re: Proposed H.B. 563

Dear Representative Fowler Arthur:

The Auburn Township Board of Trustees is unanimously opposed to proposed H.B. 563 as introduced. This legislation, as currently written (with certain exceptions), prohibits a township from adopting or enforcing any regulation or restriction that prohibits short-term rental properties or regulates the number, duration, or frequency of rental periods for short-term rental properties.


Ohio Revised Code (ORC) Section 519.02 enables a board of township trustees to regulate the use of real property through zoning for the purpose of promoting and protecting the public health, safety, and general welfare. To that end, Auburn Township enacted a zoning regulation pursuant to ORC Section 519.12 to prohibit short-term rental within a dwelling upon receiving appropriate legal review of the legislation by the Geauga County Prosecutor's office.

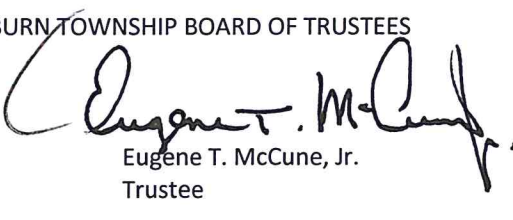
Whereas we certainly understand and agree with the exemptions to township zoning regulation of certain uses (such as agriculture) as currently set forth in ORC Section 519.21, allowing short-term rental property as defined in the proposed legislation virtually anywhere in a township could have serious detrimental impacts -- particularly in a single-family residential zoning district. Essentially, as defined in the proposed legislation, this is a commercial use in a residential zone. Again, it is contrary to the very purpose of zoning: to divide a township into districts that are uniform in terms of each class or kind of use in order to promote and protect the public health, safety, and general welfare. This is a bedrock principle of zoning pursuant to the decision by the U.S. Supreme Court in the case of Village of Euclid v. Ambler Realty Co. 272 U.S. 365 (1926).

Thank you for carefully considering our position regarding this matter.

Sincerely,

AUBURN TOWNSHIP BOARD OF TRUSTEES


Patrick J. Cavanagh
Trustee


Eugene T. McCune, Jr.
Trustee


Michael S. Troyan
Trustee

cc: Honorable Diane V. Grendell, State Representative, District 76