

Interested Party Testimony on Ohio Senate Bill 104

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Local Government Committee

Chairwoman Sandra OBrien, Vice Chairwoman Theresa Gavarone, Ranking Member Ken Smith and distinguished members of the committee thank you for allowing me to provide Interested Party Testimony in support of Senate Bill 104. My name is Aden Fogel and I reside in Sheffield Lake within Lorain County and I recently experienced issues within my local community regarding short term rentals.

I strongly support this bill as a necessary measure to establish clear and fair regulations for short-term rentals (STRs) across Ohio.

However, I respectfully recommend two key amendments to further strengthen the bill:

1. Mandatory Licensing for Short-Term Rentals
2. Legal Clarification on Removal of Unwanted Guests from STRs

1. Mandatory Licensing for Short-Term Rentals

A statewide, mandatory licensing requirement would ensure consistency and accountability while preventing a patchwork of local rules that could restrict property owners' rights. Licensing would:

Ensure Public Safety: A licensing process allows for reasonable health and safety regulations, ensuring that STRs operate responsibly.

Create Regulatory Certainty: A statewide framework prevents municipalities from enacting restrictive local ordinances that contradict the bill's intent.

Fund Proper Oversight: Modest licensing fees can support enforcement efforts, reducing reliance on penalties or legal disputes.

2. Removal of Unwanted Guests from STRs

Under Ohio state law, hotels and boarding houses have been the only recognized forms of short-term lodging, and guests who overstay their rental period must be legally removed through appropriate eviction procedures. If this law has not been updated, Senate Bill 104 should include language to explicitly classify short-term rentals in the same legal category as hotels or boarding houses for the purpose of guest removal.

Without this clarification, STR owners could face legal uncertainty when dealing with problem guests who refuse to leave. The bill should:

Ensure STR Hosts Have Clear Rights: STR operators should be able to remove guests who overstay or violate rental terms without the burden of lengthy eviction processes designed for long-term tenancies.

Prevent Legal Loopholes for Squatters: By aligning STRs with hotel and boarding house laws, the bill would prevent bad actors from exploiting residential tenancy laws to remain in a rental unit unlawfully.

Provide Law Enforcement Clarity: Police officers and courts need clear legal guidance on handling trespassing or overstaying guests in short-term rentals.

Why Home Rule Does Not Apply

Some argue that municipalities should have discretion to regulate STRs under home rule authority. However, home rule does not apply in this case because:

The State Has an Interest in Property Rights and Commerce: STRs impact Ohio's tourism, economy, and housing markets, making this a matter of statewide concern.

Home Rule Cannot Conflict with General Laws: Senate Bill 104 establishes a uniform, general law governing STRs. Local governments cannot pass contradictory regulations that prohibit what state law permits.

STRs Align with State-Regulated Industries: Hotels, ride-sharing services, and similar industries operate under statewide rules to ensure consistency. STRs should be treated the same way.

Conclusion

Senate Bill 104 is a necessary step in protecting property rights and ensuring fair regulation of short-term rentals in Ohio. However, I strongly encourage the committee to adopt amendments that:

1. Make licensing for STRs mandatory statewide to provide regulatory consistency.
2. Clarify legal procedures for removing unwanted guests by treating STRs the same as hotels and boarding houses.

These additions will strengthen the bill and protect both STR operators and their communities. Thank you for your time, and I welcome any questions.

Aden Fogel