



Legislation Text

File #: O-267-21, **Version:** 2

Council Member Gadus amendment

Enacting a new Toledo Municipal Code Chapter 702, "Short-Term Rentals"; and declaring an emergency.

SUMMARY & BACKGROUND:

The City of Toledo has seen significant growth in the number of short-term rentals of residential units, which are rentals for periods of less than 30 consecutive days. There are currently over 150 short-term rental listings in the City of Toledo on various short-term rental hosting platforms. Issues related to short-term rental include public safety and accountability in order to avoid nuisance conditions at the property. This ordinance establishes a permit system whereby a permit is required for each short-term rental unit. The permit establishes the maximum occupancy of the unit and the maximum number of vehicles permitted. It also imposes minimum safety standards including fire safety and carbon monoxide monitoring as well as requiring contact information for a local representative who is available 24 hours a day to address any complaints or concerns that may arise regarding the unit. This ordinance was narrowly developed so as to not discourage the development of the short-term rental market in Toledo, but to assure the safety of occupants and minimize the impacts on the surrounding neighborhood.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a new Toledo Municipal Code Chapter 702, Short-Term Rentals is hereby enacted as follows:

702.01. Definitions.

As used in this chapter:

- (a) "Hosting Platform" means a person or entity that facilitates the booking of a Short-Term Rental unit. "Facilitate" includes, but is not limited to, the act of allowing an Operator to list or advertise, typically for a charge or fee, the Short-Term Rental Unit on an Internet website, in a print publication, or through another forum provided or maintained by the Hosting Platform.
- (b) "Operator" means the Person offering a Short-Term Rental Unit, whether as the owner, lessee, or otherwise.
- (c) "Person" means an individual, corporation, business trust, estate, trust, partnership, association or cooperative, or any other legal entity
- (d) "Short-Term Rental Unit" means a dwelling unit, a portion of a dwelling unit, or any other structure that is intended for occupancy for dwelling, lodging or sleeping and which is offered for consideration for a period of up to 30 consecutive calendar days and which is advertised on a Hosting Platform. Short-Term Rental Units shall not include dwelling units facilities licensed by the state as health care facilities, hotels, inns, motels, bed and breakfasts properly approved by the City of Toledo or campgrounds; or dwelling units rented according to a written month-to-month lease.

702.02. Permit required. No Person shall operate or advertise any Short Term Rental Unit within the City of Toledo without first having procured an Operating Permit pursuant to this chapter.

702.03 Application for Short-Term Rental Unit Operating Permit

- (a) Short-Term Rental Unit Operators must submit an application on a form to be provided by the Mayor or his or her designee to the Department of Finance, Division of Taxation to operate any Short-Term Rental Unit.
- (b) Applications for Short-Term Rental Unit Permits shall contain the following:
 - (1) Operator Information. The full legal name, mailing address, email address and telephone number of the Operator, and in cases where a business entity or trust is the Operator, the individual who has responsibility to oversee the operation of the property including the mailing address, email address and telephone number of such individual;
 - (2) Lessee Information. If the applicant is a lessee, the application shall include the full legal name of the owner of the Short-Term Rental Unit, the mailing address, email address and telephone number of the owner and a signature of the owner acknowledging the owner's understanding of the City of Toledo's Short-Term Rental Unit rules and verifying the Owner's agreement that they are legally responsible and liable for compliance by the Operator;
 - (3) Certificate of tax and public utility compliance or evidence of compliance with a payment plan;
 - (4) Evidence of compliance with any applicable rental registry requirements;
 - (5) Affidavit of Life Safety Compliance verifying the number, locations and operation of the life safety equipment required in section 702.04(d) herein.
 - (6) Proof of general liability insurance in the amount of at least \$1 million.
 - (7) Local Contact Person. An individual who shall be available twenty four (24) hours a day, seven days a week to respond as necessary, within 45 minutes of notification of a complaint regarding the condition, operation or conduct of occupants of the Short-Term Rental Unit and taking remedial action as necessary to resolve an such complaints.
 - (8) A basic site plan identifying the number of sleeping rooms for maximum occupancy and the number and location of designated off-street parking spaces for the maximum number of vehicles allowed for overnight occupants.
- (c) The Operator of a Short-Term Rental Unit must obtain a permit for each unit. A permit must be on display in each Short-Term Rental Unit.
- (d) Permits issued under this section shall be valid for one (1) year from the date of issue and maybe renewed annually.
- (e) All applications shall be accompanied by an application fee of \$50.00.
- (f) Required Notification. Within 48 hours of submitting the application for a Short-Term Rental Unit Operating Permit to the Division of Taxation, the Operator shall send a Neighborhood Notice form supplied by the Division of Taxation, by first-class mail or hand delivery to all property owners whose property is adjacent to the property at which the Short-Term Rental Unit is proposed. The Operators shall provide the Division of Taxation the names and addresses to which notices were sent. For the purposes of this section, adjacent properties are those that abut the proposed Short-Term Rental Unit, those directly across the street or alley from the proposed Short-Term Rental Unit, and those that are diagonal across the street or alley from the proposed Short-Term Rental Unit.
- (g) Any Person who has been denied a Short-Term Rental Unit Permit by the Director of Finance may appeal as provided under Section 701.10 herein.

702.04 Operating Requirements.

- (a) It shall be unlawful to advertise any Short-Term Rental Unit without the Operating Permit number clearly displayed on the advertisement. This includes any means, electronic or non-electronic, intended to promote the availability of the Short-Term Rental Unit.
- (b) Maximum Occupancy. The number of overnight occupants permitted in a Short-Term Rental Unit shall not exceed two occupants per sleeping room plus two additional occupants. This maximum occupancy shall be identified in the Operating Permit.
- (c) Parking. The number of overnight vehicles permitted on the property shall be identified in the Operating Permit.
- (d) Life Safety Equipment. Each Short-Term Rental Unit shall have the following fully functional life safety equipment on the premises and installed to manufacturer specifications:
 - (i) Smoke alarms meeting the requirements of Toledo Municipal Code Section 1301.11.
 - (ii) A carbon monoxide detector within 15 feet of all sleeping rooms
 - (iii) A fire extinguisher.
- (e) The Operator shall require a verification of the identity of the Person responsible for booking the Short-Term Rental Unit.

702.05 Operation without a Permit. Any Short-Term Rental Unit operating or advertising for operation without a valid Operating Permit shall be deemed to be a public safety hazard. The City may issue the Operator and/or owner a penalty of \$100 per week up to a maximum of \$500 for operating or advertising for operation without a permit.

702.06 Effective Date for Short-Term Rental Unit Operating Permit Requirements.

The provisions of this Chapter relating to Short-Term Rental Unit Operating Permit requirements shall take effect 60 days after its adoption.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that it is necessary to effectively and timely implement a permit system for short-term rentals to protect the safety of well-being of all.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council