

202001306

City of Cincinnati




801 Plum Street, Suite 356
Cincinnati, Ohio 45202

Phone (513) 352-4610
Email david.mann@cincinnati-oh.gov
Web www.cincinnati-oh.gov

David S. Mann
Vice Mayor / Councilmember

MOTION

I move that the city administration report on steps taken to date to enforce the provisions of Section 865-15 of the Municipal Code (copy attached) which prohibit operating a short term rental as a nuisance by exceeding the "maximum occupancy levels permitted pursuant to applicable building codes, housing codes, and fire codes" or by "incidents of criminal activity." The report should include information as to suspensions or revocations to date under Section 865-25 of the Municipal Code (copy attached) and recommendations for more effective enforcement of these restrictions including additional ordinances.


David Mann

STATEMENT

As with much of the country, short term rentals in Cincinnati have been the scene of violence and parties which violate, not just COVID 19 guidelines, but the occupancy caps under city ordinances.

As the author of the city's short term rental registration laws, I am happy to report that the city has the tools, where needed, to revoke the permission which we grant to allow a short term rental even to operate.

We do not have to wait for Airbnb and other national companies to take action against guests who have violated the rules of these companies. We can proceed directly against the property owner if the property owner is complicit in the violations. The registration to operate can be revoked.

Sec. 856-15. - Avoidance of Nuisances.

No short term rental may be operated within the city so as to cause a nuisance. For the purposes of this section, three or more written citations or notices of violation for one or more of the following behaviors by transient guests of the short term rental in and around the vicinity of the short term rental in any one-year period shall establish a rebuttable presumption that a short term rental has been operated in a manner that causes a nuisance:

- (a) Incidents constituting a nuisance as defined by Cincinnati Municipal Code Section 761-1-N.
- (b) Incidents of failure to maintain noise standards per Cincinnati Municipal Code Chapter 909, "Community Noise."
- (c) Incidents of exceeding the maximum occupancy levels permitted pursuant to applicable building codes, housing codes, and fire codes.
- (d) Incidents of illegal parking of vehicles on private property.
- (e) Incidents of failure to abide by the requirements of Cincinnati Municipal Code Title XVI, "Neighborhood Quality of Life Uniform Code."
- (f) Incidents of criminal activity, including littering, trespass, public intoxication, overdose, vandalism, and lewd and lascivious behavior, including one or more of the criminal activities listed in Section 856-13.

(Ordained by Ord. No. 0125-2019, eff. July 1, 2019)

Sec. 856-25. - Suspension, Revocation, and Penalties.

- (a) Failure to comply with the conditions of operating a short term rental established in Section 856-9 of this chapter, existence of any of the grounds for denial of application established in Section 856-13(a) and (b) of this chapter, or allowing a nuisance to exist at the short term rental as described and defined in Section 856-15 of this chapter, may result in the suspension or revocation of a short term rental registration as follows:
 - (1) The city manager may suspend a registration if an operator fails to bring its short term rental into compliance with this chapter within fifteen days following the issuance of written notice of a violation. An operator may not operate the short term rental associated with the registration or hold it out for rent during a period of suspension.
 - (2) The city manager or his or her designee shall reinstate a suspended registration once the operator restores its short term rental to compliance with the provisions of this chapter and pays a reinstatement fee as necessary to recover the cost and expense of administering the city's short term rental program registry.
 - (3) The city manager may revoke a registration if an operator fails to bring its short term rental into compliance with the conditions established in this chapter within thirty days following the issuance of written notice of a violation. An operator may not operate the short term rental associated with the registration or hold it out for rental during a period of revocation.
 - (4) Prior to or following a suspension or revocation, an operator may provide proof to the city manager or

his or her designee establishing to the satisfaction of the city manager or his or her designee that the short term rental did not operate in violation of the provisions of this chapter cited as the reason for the suspension or revocation, in which case the registration shall be reinstated without the payment of a reinstatement fee.

- (5) Prior to or following a suspension or revocation, an operator may provide a plan to the city manager or his or her designee to achieve substantial compliance with a provision of this chapter when achieving strict compliance with the provision would impose practical difficulties. If the city manager or his or her designee determines the plan is viable and accomplishes the spirit and intent of the provision it is designed to address, then the execution of the plan shall constitute compliance with the provision at issue.
- (6) Except as provided in subsection (a)(4), a registration may not be reinstated for twelve months following its revocation date, and the short term rental associated with a revoked registration may not be operated as a short term rental during the twelve-month waiting period. In addition, no operator associated with a revoked registration and no natural person with authority to exercise control over the operator or holding an ownership interest or beneficial interest in the operator may apply for a new registration for a short term rental during the same twelve-month period.
- (b) Failure to obtain a short term rental registration prior to holding a short term rental out for rent to the public or operating a short term rental shall constitute a Class C civil offense on the first day, and having once been notified under CMC Section 1501-13, "Notice of Civil Offense and Civil Fine; Procedures," each additional day that the dwelling unit is operated, or held out to the public, as a short term rental shall constitute a separate, subsequent Class D civil offense.
- (c) Operation of a short term rental in violation of the limitations on short term rentals established in Section 856-15 or the limitations on owners and operators of short term rentals established in Section 856-17 of this chapter shall constitute a Class D civil offense and may result in the revocation of the short term rental registration for the applicable properties.
- (d) Failure to provide the active registration number associated with a short term rental on any listing advertising or soliciting the unit shall constitute a Class A civil offense on the first day, and having once been notified under CMC Section 1501-13, "Notice of Civil Offense and Civil Fine; Procedures," each additional day that an operator fails to provide the active registration number associated with the short term rental on any listing through which the unit is held out for rent to the public shall constitute a separate, subsequent Class A civil offense.
- (e) Failure of a hosting platform to comply with Section 856-23, "Short Term Rental Platform Obligations," of this chapter shall constitute a Class C civil offense on the first day, and having once been notified under CMC Section 1501-13, "Notice of Civil Offense and Civil Fine; Procedures," each additional day that the short term rental is operated or held out to the public for rental shall constitute a separate, subsequent Class D civil offense.

(Ordained by Ord. No. 0125-2019, eff. July 1, 2019)

CAL
Gual N