



Legislation Text

File #: 3221-2019, Version: 1

This ordinance amends Section 598.03 of the Columbus City Codes to require all short-term rental permit applicants to submit to a background check performed by an Ohio Bureau of Criminal Investigation ("BCI") approved provider.

Under the current version of Section 598.03, short-term rental permit applicants that use a hosting platform that performs a background check are not required to submit to a BCI background check. Because hosting platforms' procedures with respect to background checks vary considerably, the Licensing Section, in the interest of public safety, would like to require all short-term rental permit applicants to submit to a BCI background check.

FISCAL IMPACT: This code change will have no financial impact.

To amend Columbus City Code Section 598.03(B) to require all short-term rental permit applicants to submit to a background check performed by an Ohio Bureau of Criminal Investigation ("BCI") approved provider prior to receiving a short-term rental permit.

WHEREAS, Chapter 598 requires all short-term rental hosts and operators in the City of Columbus to obtain a short-term rental permit from the Licensing Section of the Division of Support Services within the Department of Public Safety; and

WHEREAS, Section 598.03(B) does not currently require short-term rental permit applicants that post or advertise their short-term rental on a hosting platform that performs a background check to submit to a BCI background check; and

WHEREAS, the Licensing Section, in the interest of public safety, wants all short-term rental permit applicants to submit as part of their applications the results of a BCI background check prior to receiving a short-term rental permit; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That Section 598.03 of the Columbus City Codes is hereby amended to read as follows:

598.03 - Application for Hotel/Motel or Short-Term Rental Permit, New and Renewal

(A) Application for a new hotel/motel or short-term rental permit, and/or for renewal of a valid permit, shall be made to the Director, upon approved forms, executed by the License Section. The Director shall establish associated permit fees and costs, with a portion of the short-term rental permit fees supporting affordable housing and homeownership opportunities in the city of Columbus.

(B) The application for a permit to operate a hotel/motel or short-term rental shall contain the following information:

- (1) Name of the applicant, including mailing address, telephone number, and email address. If the applicant is a corporation, firm, partnership, association, organization or other group acting as a unit, the applicant shall provide the name of the entity set forth exactly as shown on its articles of incorporation, mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number;

The short-term rental host shall provide sufficient information to demonstrate compliance with the primary residency requirement as outlined in section 598.01(P);

- (2) Name of hotel/motel or description of the short-term rental, including property address, and, where applicable, a registered telephone number;
- (3) The legal owner or owners of the property, including mailing address, telephone number, and email address. If the property owner is a corporation, firm, partnership, association, organization or other group acting as a unit, the applicant shall provide the name of the entity set forth exactly as shown on its articles of incorporation as well as the mailing address, telephone number, and email address of an individual who is the statutory agent, president, or a managing individual, the state in which the company is incorporated or registered, and the entity or corporation number;
- (4) If an owner of the property has executed a land contract, lease agreement, management agreement, or any other agreement separating the owner from control over the property and/or the hotel/motel or short-term rental, the applicant shall include a copy of said agreement along with the application. In order to receive a permit, such documentation must explicitly provide consent for short-term rental operations. Absent such a clause or prohibition of short-term rental operations shall be grounds for a denial of a permit;
- (5) The names and addresses of any other hotel/motels or short-term rentals located in city of Columbus that the applicant or property owner has any interest in, including, but not limited to, ownership, licensure, or management;
- (6) Name of the hotel/motel operator or short-term rental host, including mailing address, telephone number, and email address;
- (7) The number of guestrooms in service in the hotel/motel or short-term rental;
- (8) The names of all hosting platforms on which the applicant has successfully been registered to list a short-term rental, documentation confirming hosting platform registration(s), and proof of general liability insurance for the short-term rental as required by section 598.04;
- (9) A short-term rental host's permit application shall be notarized to affirm that the short-term rental host and short-term rental are in compliance with all applicable local, state, and federal laws and regulations.
- (10) ~~In the instance where no hosting platform is used or the hosting platform does not complete a background check, then the results of an Ohio statewide background check performed by a BCI approved background check provider. Such background check will be at applicant's personal expense. A new background check will be required to renew any short-term rental permit.~~
- (10) At the time of application or renewal, all of the following persons are required to provide the results of a fingerprint-based background check performed by a provider approved by the Ohio Bureau of Criminal Investigation: the applicant, the 24-hour emergency contact for the property as required by this Chapter, and if applicable, the property manager. If the applicant is a domestic business organization other than a general partnership, then the applicant must provide a copy of the organization's articles of incorporation, articles of organization, statement of partnership authority, certificate of limited partnership, or statement of domestic qualification filed with the Ohio Secretary of State. If the applicant is a foreign business organization other than a foreign general partnership, then the applicant must provide a copy of the foreign business organization's license, registration, or qualification filed with the Ohio Secretary of State authorizing it to do business in Ohio. For all business organization applicants, an individual who is either the statutory agent, a partner, the president, or in the case of an LLC, a managing individual who is also a member, must submit to and provide the results of a BCI background check.

- (C) The applicant must notify the Director of any change in information contained in the permit application within ten (10) days of the change.
- (D) Any change in ownership of the hotel, the building, the dwelling or the business, change in hotel operator, or change in name of the hotel, or short-term rental host shall void the current permit and shall require submission of a new application and the issuance of a new valid permit.
- (E) If approved, a short-term rental shall be assigned an individual permit account number that the short-term rental host shall list with the short-term rental on any hosting platform. Only a valid permit shall be listed on a hosting platform. Upon a valid permit's expiration, a short-term rental host shall immediately remove the short-term rental from being listed on any hosting platform and shall not engage in any short-term rental operations. Those found to be operating with an expired permit are in violation of section 598.02(A)(2) and are subject to the penalties as provided for in section 598.15.

SECTION 2. That prior existing Section 598.03 of the Columbus City Codes is hereby repealed.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period provided by law.