



**CITY OF COLLEGE PARK, MARYLAND
ACTION ITEM COVER REPORT**

AGENDA ITEM: 23-O-09

Prepared By: Robert W. Ryan,
Public Services Director, and
Suellen Ferguson, City Attorney

Meeting Date: 10/17/2023

Presented By: Robert W. Ryan
Public Services Director,
Suellen Ferguson, City Attorney

Proposed Consent: No

Originating Department: Public Services and City Attorney

Action Requested: Hold a Public Hearing and Approval of Amended Ordinance 23-O-09 to regulate short-term rental properties.

Strategic Plan Objective: Objective #4: Enhance safety and quality of enforcement to advance our reputation as a safe City.

Background/Justification:

The Mayor and Council have discussed regulation of short-term rentals over the past year. Currently, the City regulates short-term residential rental properties in the same manner as long term residential rental properties. At the Council meeting of October 3, 2023, Ordinance 23-O-09, was introduced to regulate short term rental properties differently than long term rentals, and similarly to Prince George's County short-term rental regulations. The ordinance includes notice to surrounding properties and a provision that allows a resident or owner of real property located within 300 feet of the property to be licensed and any applicable homeowner and neighborhood associations to challenge the facts stated in the application for a short-term rental license, which is stricter than the County's requirements.

The City Attorney has determined that the City does have the ability, by law, to differentiate between short and long-term rentals if it so chooses, and to require registration by a short-term rental platform. The City may also adopt the County law by reference, as it has done with the County Building Code.

The City Attorney has advised that, under the proposed Ordinance, a corporation or LLC cannot qualify as an owner or obtain a short-term rental license.

Also, a tenant is not allowed to separately obtain a short-term host license. Except that it is possible that the owner of a property who is also a short-term host could consent to this.

The amended wording for the ordinance deletes a provision that does not apply, combines two notice sections and conforms the notice provisions for the application to the designation of who can file a challenge to the application.

Copies of the records obtained from the County with respect to properties listed on short term rental platforms that are located in the City are attached.

The Ordinance introduced on 3 October 2023, with amendments, is attached.

Fiscal Impact:

Annual permit application fees are collected.

Equity & Inclusion Impact:

The proposed ordinance would apply to all property owners and tenants of short-term rental properties equally.

Council Options:

1. Approve the proposed amended ordinance as attached.
2. Approve an Ordinance with further amendments.
3. Decide to not approve an Ordinance for short-term rental regulation.

Staff Recommendation:

Option #1

Recommended Motion:

I move to adopt Amended Ordinance 23-O-09, Chapter 144 "Occupancy Permits", § 144-1 Statement Of Policy, §144-2 Definitions, §144-3 Occupancy Permits Required, §144-7 Revocation; Reinstatement; Renumbering And Amending, §144-8, Violations And Penalties; Enacting §144-8 Challenge To Affirmations, §144-9 Short Term Rental Licenses; Host Requirements, §144-10 Incorporation Of County Code Requirements, And Amending Chapter 110, Fees And Penalties, §110-2, Penalties, To Regulate Short-Term Rentals, To Require Short-Term Rental Host Platforms To Require Any Short-Term Rental Host In The City To Submit A Copy Of The Host's Rental License To The Platform, Prior To The Rental Being Listed On The Platform, And To Set Fines For Violation, to regulate short-term rental properties.

Attachments:

1. Amended Ordinance 23-O-09.
2. Registry information from County.