

AMENDED ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, AMENDING
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 AND
REQUIRE A SHORT-TERM RENTAL LICENSE, ADOPT DEFINITIONS,
AUTHORIZE A CHALLENGE TO THE APPLICATION FOR A SHORT-TERM
RENTAL LICENSE BY CERTAIN PERSONS AND ENTITIES, REQUIRE SHORT-
TERM RENTAL HOST PLATFORMS TO REQUIRE ANY SHORT-TERM RENTAL
HOST IN THE CITY TO SUBMIT A COPY OF THE HOST'S CITY RENTAL
LICENSE TO THE PLATFORM, PRIOR TO THE RENTAL BEING LISTED ON
THE PLATFORM, TO REVISE A VIOLATION DESCRIPTION FOR §144-5(E) AND
TO SET FINES FOR VIOLATION.

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the City of College Park (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the residents of the City and to prevent and remove nuisances; and

WHEREAS, the Mayor and Council have adopted Chapter 144, “Occupancy Permits” of the City Code to license the rental of dwelling units in the City; and

WHEREAS, the Mayor and Council have adopted Housing Regulations to ensure the health, safety and welfare of the residents of and visitors to the City, and certain procedures to enforce the Housing Regulations; and

CAPS : Indicate matter added to existing law.
[Brackets] : Indicate matter deleted from law.
Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS : Indicate matter added in amendment
[Brackets] : Indicate matter deleted in amendment

WHEREAS, short term rental units, as defined herein, and the use of short-term rental unit platforms, such as Air BnB, have become a recognized separate type of rental dwelling unit licensure; and

WHEREAS, short term rentals have previously been licensed and regulated in the same manner as other long term rental dwelling units in the City; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to regulate short term rental units as a separate category of occupancy.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 144 “Occupancy permits”, §144-1, “Statement of policy” be and it is hereby repealed, reenacted and amended to read as follows:

§ 144-1 Statement of policy.

~~[Whereas t]There are numerous [dwelling and rooming house] HOUSING units within the City of College Park which are rented, leased or otherwise let to persons other than the owners thereof; and [whereas] there are numerous nonresidential (commercial and industrial) units within the City of College Park.[; and whereas t]The Mayor and City Council [of the City of College Park] have the gravest responsibility for the protection of the health, safety, AND welfare [and morals] of all of the [citizens] RESIDENTS of said City and for those of visitors and transients seeking accommodations therein[; and whereas t]The Mayor and City Council [of the City of College Park] have adopted a Housing Code and a Nonresidential Property Maintenance Code^{lll} for the protection of the [citizens] RESIDENTS of AND VISITORS TO [said] THE City and those persons seeking accommodations therein.[; i]It is declared to be the policy and intent of the Mayor and City Council [of the City of College Park] that all rental dwelling units, SHORT-TERM RENTAL UNITS, rooming house units and hotel, motel and tourist units and nonresidential premises shall be licensed and regulated in such a manner as to ensure the protection of the health, welfare, AND safety [and morals] of those persons residing or visiting therein and, further, that said licensing and regulations shall be undertaken in the manner REQUIRED BY THIS CHAPTER [set forth hereinbelow].~~

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 144, "Occupancy permits", §144-2, "Definitions" be and it is hereby repealed, reenacted and amended to read as follows:

§144-2 Definitions.

A. The following definitions shall apply in the interpretation and enforcement of this chapter:

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BOOKING SERVICE MEANS A RESERVATION AND/OR PAYMENT SERVICE PROVIDED BY A PERSON OR ENTITY THAT FACILITATES A SHORT-TERM RENTAL TRANSACTION BETWEEN A HOST AND A PROSPECTIVE SHORT-TERM RENTAL GUEST FOR WHICH THE PERSON OR ENTITY COLLECTS FEES IN CONNECTION WITH THE RESERVATION OR FACILITATES PAYMENT SERVICES BETWEEN THE HOST AND GUEST.

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HOST MEANS A LEGAL OWNER OF A RESIDENTIAL DWELLING UNIT WHO PROVIDES OR OFFERS TO PROVIDE ALL OR PART OF A RESIDENTIAL DWELLING UNIT FOR SHORT-TERM RENTAL AND HAS OBTAINED A SHORT-TERM RENTAL LICENSE FROM THE CITY. THE HOST MUST PROVIDE PROOF OF OWNERSHIP AND A COPY OF THE HOMESTEAD TAX CREDIT FILING FOR THE DWELLING UNIT.

HOSTING PLATFORM ("PLATFORM") MEANS A PERSON OR ENTITY THAT FACILITATES A SHORT-TERM RENTAL BY PROVIDING BOOKING SERVICES THROUGH WHICH A LICENSED HOST MAY LAWFULLY PROVIDE A RESIDENTIAL DWELLING UNIT FOR SHORT-TERM RENTAL USE.

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NUISANCE MEANS THE FOLLOWING:

AN ACT OR CONDITION KNOWINGLY CREATED, PERFORMED, OR MAINTAINED ON PRIVATE PROPERTY THAT CONSTITUTES A CITY CODE VIOLATION AND THAT:

- SIGNIFICANTLY AFFECTS OTHER RESIDENTS OF THE NEIGHBORHOOD;
- IS INJURIOUS TO PUBLIC HEALTH, SAFETY, OR WELFARE OF NEIGHBORING RESIDENTS;

OBSTRUCTS THE REASONABLE USE OF OTHER PROPERTY IN THE NEIGHBORHOOD;

IS OCCURRING ON A PROPERTY WHERE THE TENANT, OWNER, OR OTHER OCCUPANT HAS BEEN CONVICTED OF VIOLATIONS OF § 10-201 OR § 10-202 OF THE CRIMINAL LAW ARTICLE, ANNOTATED CODE OF MARYLAND, FOR CONDUCT OCCURRING ON, IN, OR IN RELATION TO THE PROPERTY; OR

A PROPERTY TO WHICH CITY CODE ENFORCEMENT, POLICE OR OTHER LAW ENFORCEMENT AGENCIES HAVE RESPONDED TO COMPLAINTS OR CALLS FOR SERVICE THREE (3) OR MORE TIMES WITHIN ANY TWELVE (12) MONTH PERIOD.

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OWNER OCCUPIED MEANS THE HOST AND LEGAL OWNER OF A RESIDENTIAL DWELLING UNIT WHO IS PRESENT DURING THE ENTIRE TIME OF THE SHORT-TERM RENTAL. OWNER-OCCUPIED SHORT-TERM RENTALS SHALL NOT BE UTILIZED BY A SHORT-TERM RENTAL GUEST FOR MORE THAN 180 DAYS PER CALENDAR YEAR.

PERMANENT RESIDENT MEANS AN INDIVIDUAL WHO IS DOMICILED IN THE CITY OF COLLEGE PARK, MAINTAINS A PLACE OF ABODE IN THE CITY OF COLLEGE PARK FOR 180 OR MORE DAYS DURING THE YEAR AND IS THE INDIVIDUAL WHO OWNS THE PROPERTY AND OBTAINS THE HOMESTEAD TAX CREDIT AT THAT ADDRESS. FOR PURPOSES OF THIS SUBTITLE, A HOST MAY HAVE ONLY ONE (1) PERMANENT ADDRESS, WHICH IS THE ADDRESS THE HOST USES TO OBTAIN THE HOMESTEAD CREDIT.

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SHORT-TERM RENTAL MEANS A RESIDENTIAL DWELLING UNIT OCCUPIED BY [~~A~~] ONE OR MORE SHORT-TERM RENTAL GUESTS, OTHER THAN A PERMANENT OCCUPANT, FOR FEWER THAN 31 CONSECUTIVE DAYS AND NO MORE THAN 90 DAYS PER CALENDAR YEAR, WHERE A HOST RECEIVES MONETARY COMPENSATION FOR SUCH OCCUPANCY, IF THE OWNER IS NOT PRESENT DURING THE RENTAL. A SHORT-TERM RENTAL MAY BE OCCUPIED BY A SHORT-TERM RENTAL GUEST FOR NO MORE THAN 180 DAYS PER CALENDAR YEAR, IF THE HOST IS PRESENT DURING THE SHORT-TERM RENTAL. A SHORT-TERM RENTAL PROVIDER SHALL NOT COMBINE TIME LIMITS FOR SHORT-TERM RENTALS. THE MAXIMUM ALLOWABLE DAYS FOR A SHORT-TERM RENTAL ARE 180 CALENDAR DAYS, PROVIDED ALL REQUIREMENTS ARE MET FOR THAT TIME FRAME. A SHORT-TERM RENTAL IS A TOURIST HOME THAT IS

AN ACCESSORY USE TO A DWELLING, BUT DOES NOT INCLUDE A HOTEL, MOTEL, INN, BOARDING HOUSE, GROUP RESIDENTIAL FACILITY, AND FRATERNITY OR SORORITY HOUSE.

SHORT-TERM RENTAL GUEST MEANS A TRANSIENT WHO OCCUPIES, OR HAS THE RIGHT TO OCCUPY, A LAWFULLY LICENSED SHORT-TERM RENTAL FOR A PERIOD OF 30 DAYS OR LESS DURING ANY ONE CONTINUOUS STAY. THIS DOES NOT INCLUDE A HOTEL, MOTEL, INN, BOARDING HOUSE, GROUP RESIDENTIAL FACILITY, FRATERNITY OR SORORITY HOUSE.

SHORT-TERM RENTAL PROVIDER MEANS A LICENSED HOST WHO LAWFULLY OFFERS FOR RENT A SHORT-TERM RESIDENTIAL RENTAL AND DOES NOT INCLUDE A HOTEL, MOTEL, INN, BOARDING HOUSE, GROUP RESIDENTIAL FACILITY, AND FRATERNITY OR SORORITY HOUSE.

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Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 144, “Occupancy permit, §144-3, “Occupancy permits required” be and it is hereby repealed reenacted and amended to read as follows:

§144-3 Occupancy permits required.

A. Residential. Before the owner or agent thereof of any dwelling unit, SHORT TERM RENTAL UNIT, BOARDING HOUSE [~~rooming-unit~~] or BOARDING[~~rooming~~] house unit or hotel, motel or tourist facility within the confines of the City of College Park shall rent, lease or otherwise let said unit and permit it to be occupied by any person or persons other than THE OWNER [~~himself/herself~~] and members of [~~his/her~~] THE OWNER’S immediate family, THE OWNER[~~he/she~~] shall secure from the City an occupancy permit.

(1) Said occupancy permit shall contain THE FOLLOWING: the name, ADDRESS, TELEPHONE NUMBER AND EMAIL ADDRESS of the owner of said unit[~~, his/her address and his/her telephone number~~]. Said occupancy permit shall also specify the exact location of the structure in which said unit is located.

(2) AN APPLICATION FOR A SHORT-TERM RENTAL LICENSE OR A LICENSE RENEWAL MUST BE SIGNED BY THE APPLICANT AND INCLUDE THE STATE SALES TAX AND USE REGISTRATION NUMBER. THE APPLICANT MUST CERTIFY, ATTEST AND ENSURE:

- (A) LIABILITY INSURANCE APPLICABLE TO THE PROPERTY OF AT LEAST \$1,000,000. THE OWNER/HOST MAY UTILIZE A PLATFORM'S LIABILITY INSURANCE IF THE COVERAGE IS AT LEAST \$1,000,000 AND IS APPROVED BY THE DEPARTMENT OF PUBLIC SERVICES.
- (B) THAT EACH SHORT-TERM RENTAL UNIT HAS A WORKING SMOKE DETECTOR AND CARBON MONOXIDE DETECTOR IN EVERY BEDROOM, SLEEPING AREA AND ON ALL HABITABLE FLOORS;
- (C) THAT EACH SHORT-TERM RENTAL UNIT HAS PROPERLY MAINTAINED, SERVICED, AND CHARGED FIRE EXTINGUISHERS MOUNTED IN EVERY BEDROOM, SLEEPING AREA AND ON ALL HABITABLE FLOORS IN COMPLIANCE WITH THE PRINCE GEORGE'S FIRE SAFETY CODE;
- (D) THAT EACH SHORT-TERM RENTAL HAS A POSTING OF THE OWNER'S EMERGENCY CONTACT INFORMATION ON THE INTERIOR OF THE RENTAL, A FLOOR PLAN THAT INDICATES FIRE EXITS AND ESCAPE ROUTES THAT IS CONSPICUOUSLY PLACED ON THE INTERIOR PORTION OF THE MAIN ENTRANCE AND IN EACH ROOM WHERE THERE ARE SLEEPING QUARTERS IN THE SHORT-TERM RENTAL;
- (E) THAT PHOTOS ARE SUBMITTED AS PROOF OF THE CONSPICUOUSLY PLACED POSTING OF THE EMERGENCY CONTACT INFORMATION ON THE INTERIOR OF THE RENTAL, AND THE FLOOR PLAN THAT INDICATES FIRE EXITS AND ESCAPE ROUTES, TO THE DEPARTMENT OF PUBLIC SERVICES;
- (F). THAT THE SHORT-TERM RENTAL IS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND CODES INCLUDING BUT NOT LIMITED TO THIS SECTION, CHAPTER 125 OF THE CITY CODE, AND ALL APPLICABLE PROPERTY MAINTENANCE, ELECTRICAL, PLUMBING AND BUILDING CODES;
- (G) ~~[THAT NOTIFICATION OF THE APPLICATION HAS BEEN PROVIDED TO HOMEOWNER ASSOCIATIONS, CONDOMINIUM ASSOCIATIONS, COMMON OWNERSHIP COMMUNITIES, AND COOPERATIVES WHERE THE SHORT TERM RENTAL IS LOCATED;]~~
- ~~[(H)]~~ COMPLIANCE WITH THE REQUIREMENTS OF HOMEOWNER ASSOCIATIONS, CONDOMINIUM ASSOCIATIONS, COMMON OWNERSHIP COMMUNITIES, AND COOPERATIVES WHERE THE SHORT-TERM RENTAL IS LOCATED;
- (H) THAT THE SHORT-TERM RENTAL HAS PROVIDED AT LEAST ONE (1) OFF STREET PARKING SPACE FOR EVERY UP TO THREE (3) OVERNIGHT GUESTS;
- (I) THAT THE HOST'S INTENT TO APPLY FOR THE SHORT-TERM RENTAL LICENSE HAS BEEN PROVIDED TO THE FOLLOWING: RESIDENTS IN AND OWNERS OF REAL PROPERTY LOCATED WITHIN 300 FEET OF THE

PROPERTY TO BE LICENSED, AND NEIGHBORHOOD ASSOCIATIONS, HOMEOWNER ASSOCIATIONS, CONDOMINIUM ASSOCIATIONS, COMMON OWNERSHIP COMMUNITIES, AND COOPERATIVES WHERE THE SHORT-TERM RENTAL IS LOCATED.

~~[THE ADJACENT HOMES INCLUDING BUT NOT LIMITED TO ABUTTING AND CONFRONTING PROPERTIES]~~. THE DEPARTMENT OF PUBLIC SERVICES SHALL PROVIDE THE APPROVED NOTIFICATION LETTER FOR SHORT-TERM LICENSE APPLICANTS;

- (J) THAT THE SHORT-TERM RENTAL IS THE PERMANENT RESIDENCE OF THE HOST;
- (K) THAT THE SHORT-TERM RENTAL HAS TWO (2) OUTDOOR TRASH AND ONE (1) RECYCLING RECEPTACLES WITH TIGHT FITTING LIDS;
- (L) THE OWNERSHIP OF THE SHORT-TERM RENTAL PROPERTY TOGETHER WITH A COPY OF THE HOMESTEAD TAX CREDIT FILING IN THE OWNER'S NAME;
- (M) THAT THE PROPERTY HAS NO OUTSTANDING TAXES OR LIENS AND THE PROPERTY HAS NO CODE VIOLATIONS;
- (N) THAT ACCURATE AND CURRENT CONTACT INFORMATION OF THE HOST OF THE SHORT-TERM RENTAL IS PROVIDED ON THE APPLICATION; THE CONTACT INFORMATION SHALL INCLUDE THE FOLLOWING:
 - (A) THE HOST'S PRIMARY PHYSICAL MAILING ADDRESS;
 - (B) THE HOST'S CELL PHONE NUMBER;
 - (C) THE HOST'S EMAIL ADDRESS;
- (O) ACCURATE AND CURRENT INFORMATION OF AN INDIVIDUAL WHO WILL SERVE AS THE EMERGENCY CONTACT, OTHER THAN THE HOST, WHO RESIDES WITHIN 15 MILES OF THE CITY. THE EMERGENCY CONTACT IS RESPONSIBLE FOR RESPONDING TO THE SHORT-TERM RENTAL FOR ANY ISSUES THAT REQUIRE IMMEDIATE ATTENTION. THIS INFORMATION SHALL BE PROVIDED ON THE APPLICATION. THE CONTACT INFORMATION SHALL INCLUDE THE FOLLOWING:
 1. THE INDIVIDUAL'S PRIMARY PHYSICAL MAILING ADDRESS;
 2. THE INDIVIDUAL'S CELL PHONE NUMBER;
 3. THE INDIVIDUAL'S EMAIL ADDRESS;
- (P) THAT THE HOST WILL PROVIDE, WITHIN FIVE (5) BUSINESS DAYS, UPDATES TO THE CONTACT INFORMATION IMMEDIATELY OR RISK HAVING THE LICENSE REVOKED OR DENIED;
- (Q) THAT THE HOST WILL PROVIDE A LIST OF ALL THE LICENSED PLATFORMS THE APPLICANT INTENDS TO UTILIZE;

(R) THAT THE RULES, AS APPROVED BY THE DEPARTMENT OF PUBLIC SERVICES PER THIS CHAPTER REGARDING SHORT-TERM RENTAL GUESTS, ARE POSTED ON OR BY THE MAIN ENTRANCE USED BY THE TRANSIENTS.

(3) A RENEWAL APPLICATION SHALL INCLUDE A COPY OF THE SHORT-TERM RENTAL GUEST LOG REQUIRED BY THIS SECTION.

(4) NO LICENSE FOR A SHORT-TERM RENTAL SHALL BE ISSUED TO A HOST UNTIL THE APPLICATION HAS BEEN SUCCESSFULLY AND SATISFACTORILY COMPLETED AND THE REQUIRED FEE PAID. ALL DOCUMENTATION SHALL BE SUBMITTED AND ALL REQUIREMENTS SHALL BE ADHERED TO PRIOR TO A DETERMINATION BEING MADE ABOUT THE ISSUANCE OF A SHORT-TERM LICENSE TO THE APPLICANT.

(5) THE DEPARTMENT MAY REQUIRE EVIDENCE OF ANY OF THE ABOVE REQUIREMENTS IN ANY FORM OR MANNER IT DIRECTS.

~~[(4)]~~(6) All occupancy permits shall be issued to the owner for the structure containing said unit or units and shall be valid for a period of one year.

B. Nonresidential. Each tenant or occupant that is required to obtain a Prince George's County use and occupancy permit for use of a nonresidential premises or unit shall secure from the City a nonresidential occupancy permit, which shall be valid for a period of one year.

C. Occupancy prohibited without valid occupancy permit.

(1) The owner of a dwelling or nonresidential unit for which an occupancy permit is required by the terms of Subsection A or B of this section shall cause said unit to be vacated within 24 hours of the occurrence of the earlier of the following:

(a) The expiration of any lease which continues to be in effect after the occurrence of an event which leaves such dwelling unit without a valid occupancy permit; or

(b) Thirty days after the first day of the month following an event which leaves such ~~[dwelling]~~ unit without a valid occupancy permit.

(2) Said owner shall prevent said unit from being further occupied until a valid occupancy permit is issued by the City for the unit.

D. The owner of a dwelling unit for which an occupancy permit is required by the terms of Subsection A of this section shall obtain the signature of the occupant of such unit on a written statement acknowledging and agreeing to be bound by the provisions of Subsection C hereinabove and to vacate the unit within the time prescribed therein upon the occurrence of an event described in Subsection C(1)(A) ~~[(2)]~~ or C(1)(B) ~~[(3)]~~ hereof.

E. Placards. Any dwelling, SHORT TERM RENTAL UNIT, BOARDING HOUSE [rooming] or BOARDING [rooming] house unit, hotel, motel or tourist facility or nonresidential premises which does not have a required occupancy permit may be placarded by the Public Services Department. No person shall deface or remove the placard from any such premises.

F. An occupancy permit issued pursuant to this section is not transferable by the permit holder to another person or entity.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 144, “Occupancy permits”, §144-7, “Revocation; reinstatement” be and it is hereby repealed, reenacted and amended to read as follows:

§144-7 Revocation; reinstatement.

A. At any time that the Public Services Department shall determine that any such unit does not comply with all of the provisions of all applicable law, it shall order the permit holder or agent thereof to render compliance within a reasonable period of time. If such compliance is not provided, the Public Services Director may order the revocation of the occupancy permit for the structure in which said unit or units are located and proceed with enforcement under applicable provisions of law.

B. A SHORT-TERM RENTAL LICENSE MAY BE SUSPENDED OR REVOKED AT ANY TIME OR NOT RENEWED BASED UPON NON-COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER, THE CITY CODE, OR THE PRINCE GEORGE'S COUNTY CODE.

1. A SHORT-TERM RENTAL LICENSE MAY BE SUSPENDED OR REVOKED DUE TO ISSUANCE OF A CITATION, CORRECTIVE ORDER, OR VIOLATION NOTICE CITING VIOLATIONS OF THE CITY CODE, OR PRINCE GEORGE'S COUNTY CODE, INCLUDING BUT NOT LIMITED TO VIOLATIONS OF ITS BUILDING, ELECTRICAL, PLUMBING OR ZONING CODES.

2. THE DEPARTMENT OF PUBLIC SERVICES HAS THE RIGHT TO ENTER AND INSPECT THE SHORT-TERM RENTAL WITH REASONABLE NOTICE TO THE HOST. FAILURE TO PROVIDE TIMELY ACCESS MAY SERVE AS A BASIS TO ISSUE A VIOLATION NOTICE OR ADMINISTRATIVE CITATION, OR TO SUSPEND OR REVOKE A LICENSE.

3. THE DEPARTMENT OF PUBLIC SERVICES MAY IMMEDIATELY ISSUE A VIOLATION NOTICE OR ADMINISTRATIVE CITATION, OR MAY SUSPEND OR REVOKE A SHORT-TERM RENTAL LICENSE, IF THE OPERATION OF THE SHORT-

TERM RENTAL CONSTITUTES A NUISANCE AS DEFINED IN §144-2 OR BECAUSE OF ANY ADVERSE EFFECT TO PUBLIC HEALTH, SAFETY, AND THE GENERAL WELFARE, INCLUDING EXCESSIVE NOISE, TRAFFIC, PHYSICAL ACTIVITY, PUBLIC SAFETY, OR OTHER GOOD CAUSE.

4. THE DEPARTMENT OF PUBLIC SERVICES MAY IMMEDIATELY ISSUE A VIOLATION NOTICE OR ADMINISTRATIVE CITATION OR MAY SUSPEND OR REVOKE A LICENSE IF UNDER THE BUILDING CODE A STOP WORK OR STOP USE ORDER HAS BEEN ISSUED TO THE ADDRESS.

5. FRAUD, MISREPRESENTATION, FALSE STATEMENT AND INACCURACIES IN THE APPLICATION FOR AN OCCUPANCY PERMIT OR SUPPORTING DOCUMENTS SHALL BE GROUNDS FOR IMMEDIATE REVOCATION OR DENIAL OF THE SHORT-TERM RENTAL LICENSE.

6. ALL THE REQUIREMENTS OF THIS CHAPTER SHALL BE CONTINUOUSLY MAINTAINED THROUGHOUT THE DURATION OF THE LICENSE. FAILURE TO DO SO SHALL BE GROUNDS FOR IMMEDIATE REVOCATION OR DENIAL OF THE SHORT-TERM RENTAL LICENSE.

7. IF A SHORT-TERM RENTAL HOST LICENSE IS SUSPENDED OR REVOKED, THE PUBLIC SERVICES DEPARTMENT SHALL NOTIFY IN WRITING THE HOST AND ALL PLATFORMS ON WHICH THE HOST CURRENTLY LISTS.

B. ~~[Should]~~ REVOCATION OF the occupancy permit for ~~[a structure be revoked because of]~~ noncompliance with the provisions of the City Housing Ordinance~~[-, such revocation]~~ may be appealed to the Advisory Planning Commission under the provisions of the Housing Ordinance. REVOCATION OF THE OCCUPANCY PERMIT FOR NON-COMPLIANCE WITH SHORT-TERM RENTAL REQUIREMENTS MAY BE APPEALED TO THE ADVISORY PLANNING COMMISSION WITHIN THIRTY (30) DAYS OF THE REVOCATION. If said permit ~~[shall have been]~~ IS revoked for violations of other laws or ordinances, appeal may only be made to a court of competent jurisdiction of this state.

C. In the event that an occupancy permit is allowed to expire by fault of the permit holder due to the failure to pay the required fees within 20 days from the date of the written notification of payment due, without a reasonable cause, a reinstatement fee shall be imposed as set forth in Chapter 110, Fees and Penalties, and shall be payable with all application fees. Property may be subject to reinspection prior to reinstatement of an occupancy permit, and all fees may be reimposed.

D. In the event that an occupancy permit is revoked for cause, the occupancy permit must be reinstated and a fee paid as set forth in Chapter 110, Fees and Penalties, and all provisions of the Code of the City of College Park must be met before the property may again be occupied. EXCEPT FOR REVOCATIONS OF SHORT-TERM RENTAL LICENSES, in no event will an occupancy permit for a dwelling unit ~~[as to which an occupancy permit]~~ THAT has been

revoked for cause be reinstated prior to the expiration of 90 days from the date of revocation. A SHORT-TERM RENTAL LICENSE MAY NOT BE ISSUED FOR A PERIOD OF 3 YEARS AFTER THE LICENSE IS REVOKED TO:

(1) THE FORMER LICENSEE OR A MEMBER OF THE FORMER LICENSEE'S HOUSEHOLD; OR

(2) ANY APPLICANT FOR A LICENSE TO USE THE SAME DWELLING UNIT WHERE THE LICENSE WAS REVOKED.

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 144, "Occupancy permits", §144-8, "Challenge to affirmation" be and it is hereby enacted to read as follows:

§144-8 CHALLENGE TO AFFIRMATIONS.

(A) A CHALLENGE TO ANY REQUIRED AFFIRMATION MADE BY THE APPLICANT AS PART OF THE APPLICATION FOR A SHORT-TERM RENTAL PERMIT MAY BE FILED WITH THE DIRECTOR OF PUBLIC SERVICES WITHIN 30 DAYS AFTER THE APPLICATION IS FILED BY:

(1) A RESIDENT OR OWNER OF REAL PROPERTY LOCATED WITHIN 300 FEET OF THE PROPERTY TO BE LICENSED; OR

(2) ANY APPLICABLE NEIGHBORHOOD ASSOCIATION, HOMEOWNERS' ASSOCIATION, CONDOMINIUM, OR HOUSING COOPERATIVE; ~~FOR~~

~~(3) THE OWNER OF THE UNIT OR THE OWNER'S RENTAL AGENT, IF THE APPLICANT IS NOT THE OWNER.]~~

(B) THE DIRECTOR MUST, WITHIN 30 DAYS AFTER RECEIPT OF THE CHALLENGE:

(1) PROVIDE NOTICE OF THE CHALLENGE TO THE APPLICANT;

(2) REFER THE CHALLENGE TO THE CITY'S ADVISORY PLANNING COMMISSION. THE ADVISORY PLANNING COMMISSION MAY INVESTIGATE ANY

QUESTION OF FACT RAISED BY THE CHALLENGE AND MAY REVOKE OR DENY THE LICENSE IF IT FINDS AFTER A PUBLIC HEARING THAT ONE OR MORE FACTS CERTIFIED BY THE APPLICANT IS FALSE.

Section 6. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 144, “Occupancy permits”, §144-9, “Short term rental licenses; Host requirements” be and it is hereby enacted to read as follows:

§144-9 SHORT TERM RENTAL LICENSES; HOST REQUIREMENTS.

- (A) NO ONE MAY ENGAGE IN THE BUSINESS OF THE SHORT-TERM RENTALS IN THE CITY WITHOUT HAVING OBTAINED A SHORT-TERM RENTAL LICENSE UNDER THIS CHAPTER.
- (B) NO ONE MAY UTILIZE OR LIST A PROPERTY IN THE CITY ON A HOSTING PLATFORM WITHOUT A SHORT-TERM RENTAL LICENSE FROM THE CITY.
- (D) ANYONE ISSUED A SHORT-TERM RENTAL LICENSE FOR A PROPERTY IN THE CITY:
 1. SHALL COLLECT AND REMIT ALL APPLICABLE HOTEL TAXES THROUGH THE PLATFORM;
 2. SHALL DISPLAY CONSPICUOUSLY ON INTERIOR OF THE SHORT-TERM RENTAL, THE LICENSE WITH CONTACT INFORMATION OF THE LICENSED HOST, THE EMERGENCY CONTACT PURSUANT TO §144-3(A)(3)(D) AND THE CONTACT INFORMATION FOR THE DEPARTMENT;
 3. SHALL NOT RENT THE SHORT-TERM RENTAL FOR MORE THAN 30 CONSECUTIVE DAYS;
 4. SHALL NOT RENT THE SHORT-TERM RENTAL MORE THAN 90 DAYS PER CALENDAR YEAR IF THE SHORT-TERM RENTAL IS UNOCCUPIED BY THE OWNER;
 5. SHALL NOT RENT THE SHORT-TERM RENTAL MORE THAN 180 DAYS PER CALENDAR YEAR IF THE SHORT-TERM RENTAL IS OWNER OCCUPIED;
 6. SHALL NOT COMBINE ALLOWABLE TIME FRAMES TO EXCEED THE PERMISSIBLE CALENDAR DAYS FOR SHORT-TERM RENTALS;
 7. SHALL NOT PERMIT MORE THAN A TOTAL OF EIGHT (8) GUESTS AT ANY ONE TIME AND THERE SHALL NOT BE MORE THAN THREE (3) GUESTS PER BEDROOM;

- 8. SHALL NOT PERMIT ANY OTHER INDIVIDUALS TO UTILIZE THE SHORT-TERM RENTAL OTHER THAN REGISTERED SHORT-TERM RENTAL GUESTS;
 - 9. SHALL NOT RENT A UNIT, OR ANY PORTION THEREOF, BY THE HOUR OR FOR ANY PERIOD OF FEWER THAN 24 CONSECUTIVE HOURS, OR MORE THAN ONCE WITHIN ANY CONSECUTIVE 24-HOUR PERIOD; OR FOR MULTIPLE BOOKINGS OR RENTALS FOR THE SAME OVERLAPPING TIME PERIODS.
- (E) THE PERSON RENTING A SHORT-TERM RENTAL UNIT SHALL MAINTAIN A LOG OF ALL SHORT-TERM RENTAL GUESTS THAT HAVE RENTED THE SHORT-TERM RENTAL AND WILL PROVIDE THE LOG WHEN APPLYING TO RENEW THE SHORT-TERM RENTAL LICENSE.
- (1) THE LOG SHALL CONTAIN THE FOLLOWING INFORMATION:
 - (A) THE TOTAL NUMBER OF SHORT-TERM RENTAL GUESTS THAT STAYED IN THE SHORT-TERM RENTAL FOR THE FISCAL YEAR BEGINNING THE FIRST DAY OF JULY OF EACH YEAR AND ENDING THE LAST DAY OF JUNE THE FOLLOWING YEAR;
 - (B) THE TOTAL NUMBER OF SHORT-TERM RENTAL GUESTS THAT STAYED DURING EACH INDIVIDUAL RENTAL;
 - (C) THE DATES THE SHORT-RENTAL IS RENTED BY A SHORT-TERM RENTAL GUEST;
 - (D) THE NUMBER OF DAYS AND DATES THE SHORT-TERM RENTAL WAS OWNER OCCUPIED; AND
 - (E) THE TOTAL NUMBER OF DAYS AND DATES WHEN THE SHORT-TERM RENTAL WAS NOT OWNER OCCUPIED.

Section 7. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 144, “Occupancy permits”, §144-10, “Incorporation of County Code registration requirements” be and it is hereby enacted to read as follows:

§144-10 INCORPORATION OF COUNTY CODE REQUIREMENTS.

THE PROVISIONS OF COUNTY CODE SEC. 5-175.04, “SHORT-TERM RENTAL HOSTING PLATFORM LICENSE; REQUIREMENTS” AND SEC. 5-175.06, PROHIBITED ACTS, ENFORCEMENT AND PENALTIES; PLATFORMS”, WITH THE EXCEPTION OF

SEC. 5-175.06 (F), AS AMENDED, ARE INCORPORATED HEREIN BY REFERENCE AND ARE APPLICABLE IN THE CITY OF COLLEGE PARK. PLATFORMS SHALL 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. THE CITY WILL PROVIDE ON A MONTHLY BASIS TO LAWFULLY LICENSED PLATFORMS THE FOLLOWING INFORMATION:

- A. THE LICENSE NUMBER FOR ALL LAWFULLY REGISTERED HOSTS;
- B. THE LICENSE NUMBER FOR ALL HOSTS WHO HAVE AN EXPIRED LICENSE;
3. THE LICENSE NUMBER FOR ALL HOSTS WHO HAVE A SUSPENDED LICENSE;
4. THE LICENSE NUMBER OF ALL HOSTS WHOSE LICENSE HAS BEEN REVOKED; AND
5. THE NAME OF INDIVIDUALS WHO HAVE APPLIED FOR A SHORT-TERM RENTAL LICENSE BUT WERE DENIED.

Section 8. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 144, “Occupancy permits”, §144-8, “Violations and penalties” be and it is hereby repealed, reenacted, renumbered and amended to read as follows:

§144-8 §144-11 **Violations and penalties.**

A. Except as may otherwise be specified herein and in addition to any other provisions for occupancy fees, late fees and reinstatement fees, any person violating any of the provisions of this chapter shall be guilty of a municipal infraction, subject to the penalty provided in Chapter 110, Fees and Penalties, of this Code.

B. Every thirty-day period during which a violation of § 144-3C of this chapter shall continue shall constitute a separate municipal infraction.

Section 9. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 110, “Fees and penalties”, §110-2, “Penalties” be and it is hereby repealed, reenacted, renumbered and amended to read as follows:

§110-2 Penalties.

Unless otherwise noted herein, the violation of a City ordinance or resolution is a municipal infraction. The following fines and/or imprisonment for violations of various ordinances or resolutions are applicable in the City of College Park:

| Chapter/Section | Violation | Penalty |
|-----------------------------------|--|---------|
| | * * * * | |
| Ch. 144, Occupancy Permits | | |
| § <u>144-3A</u> AND B | Failure to obtain occupancy permit | \$1,000 |
| § <u>144-3C</u> | Failure to prevent occupancy in absence of valid permit | \$1,000 |
| § <u>144-3D</u> | Failure to secure a written statement signed by the tenant | \$100 |
| § <u>144-3E</u> | Removal of placard | \$1,000 |
| § <u>144-5B</u> | False oath | \$400 |
| § <u>144-5E</u> | During [COVID-19 pandemic] A state of Emergency failure to disclose identity of occupants | \$1,000 |
| | Failure to disclose identity of occupants at all other times | \$75 |
| § <u>144-6</u> | FAILURE TO ALLOW INSPECTION | \$1,000 |
| § <u>144-9</u> | SHORT-TERM RENTAL LICENSES; HOST REQUIREMENTS, PER DAY | \$1,000 |
| § <u>144-10</u> | VIOLATION OF INCORPORATED COUNTY CODE REQUIREMENTS | \$1,000 |
| § <u>144-[8A]</u> 11A | Chapter | \$100 |

Section 10. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall

distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:30 p.m. on the 17th day of October, 2023, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it.

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that this Ordinance shall become effective on Nov. 7, 2023 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 3rd day of October 2023.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 17th day of October 2023.

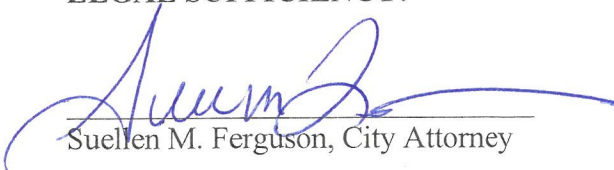
EFFECTIVE the 7th day of November, 2023.

ATTEST:

CITY OF COLLEGE PARK

By: Janeen S. Miller By: S. M. Kabir
Janeen S. Miller, MMC, CERA, City Clerk Fazlul Kabir, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**


Suellen M. Ferguson, City Attorney