

1 ORD 2016 0262
2 ORDINANCE NO. 0262
3 SERIES OF 2016

BY AUTHORITY

COUNCIL BILL NO. CB16-0262
COMMITTEE OF REFERENCE:
Neighborhoods and Planning Committee

A BILL

6 **For an ordinance to be included in Article III of Chapter 33, Short Term Rentals,**
7 **of the Revised Municipal Code of the City and County of Denver concerning the**
8 **licensing and regulation of short term rental properties.**

9 **WHEREAS**, a local licensing system for short term rental properties is appropriate to create
10 a fair operating environment for all persons in the business of lodging and/or transient
11 accommodation.

12 **WHEREAS**, a local licensing system will ensure minimum safety requirements and protect
13 the public welfare.

14 **WHEREAS**, a local licensing system will allow for data collection to determine the impact of
15 short term rental properties on neighborhoods and affordable housing.

16 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
17 **DENVER:**

18 **Section 1.** That Article III of Chapter 33 of the Denver Revised Municipal Code shall be
19 amended by adding the language underlined as follows:

20 **Article III. –SHORT TERM RENTALS**

21 **Section 2.** That Article III, of Chapter 33 of the Denver Revised Municipal Code, shall be
22 amended by adding the language underlined as follows:

23 **Sec. 33-46 Definitions.**

- 24 (1) “Department” means the Denver Department of Excise and Licenses.
25 (2) “Director” means the director of the Denver Department of Excise and Licenses.
26 (3) “Licensed premises” means the premises specified in an approved application for a license
27 under this Chapter which are owned or in the possession of the licensee and within which
28 such licensee is permitted to provide short term rental in accordance with the provisions of
29 this article.
30 (4) “Primary residence” means a residence which is the usual place of return for housing as
31 documented by at least two of the following: motor vehicle registration, driver's license,

1 Colorado state identification card, voter registration, tax documents, or a utility bill. A person
2 can only have one primary residence.

3 (5) "Short Term Rental" means a primary residence used for lodging accommodations to
4 transients for a period of less than 30 consecutive days.

5 **Sec. 33-47 Licensing requirement.**

6 After December 31, 2016, it shall be unlawful to operate any short term rental in the City and
7 County of Denver without a license duly issued therefor by the director under this Article III and in
8 compliance with any and all applicable city laws.

9 **Sec. 33-48 Application.**

10 (a) Before any license under this article is issued, an application shall be submitted to the director
11 pursuant to Chapter 32. All applications shall be made upon forms provided by the director.

12 (b) The applicant shall self-certify that the information on the application is accurate and truthful
13 under penalty of perjury under the laws of the State of Colorado.

14 (c) The director may, at the director's discretion, require additional documentation associated
15 with the application as may be necessary to enforce the requirements of this article or Chapter
16 32.

17 (d) The applicant must be a legal resident of the United States of America.

18 (e) The applicant shall possess a valid City Lodger's Tax account number pursuant to Chapter
19 53.

20 (f) The property where the licensed premises are located must be the applicant's primary
21 residence.

22 (g) The applicant must provide proof of possession of the licensed premises, either by warranty
23 deed or valid lease. If the applicant does not own the property where the licensed premises
24 are located, the applicant must provide written documentation from the property owner
25 allowing short term rentals on the licensed premises.

26 (h) Any application submitted pursuant to this article III must be completed within one (1) year of
27 the date the application is filed and the application fee is paid. Any application that remains
28 pending after the expiration of one (1) year time period, shall be administratively closed and
29 the director shall deny the issuance of a license denied. Once an application expires, the
30 applicant must begin the licensing process anew.

1 **Sec. 33-49 Unlawful Acts.**

- 2 (a) Safety Requirements. Each short term rental shall have a smoke detector, carbon monoxide
3 detector, and fire extinguisher on the licensed premises during each short term rental
4 occupancy. It shall be unlawful to operate a short term rental without a smoke detector, carbon
5 monoxide detector or fire extinguisher.
- 6 (b) Primary Residence. It shall be unlawful to operate a short term rental in any location that is
7 not the applicant's primary residence.
- 8 (c) Compliance with city and state laws. It shall be unlawful to operate a short term rental that
9 does not comply with all applicable city and state laws.
- 10 (d) Advertising. It shall be unlawful to advertise any short term rental without the license number
11 clearly displayed on the face of the advertisement. For the purposes of this section, the terms
12 "advertise," "advertising" or "advertisement" mean the act of drawing the public's attention to
13 a short term rental in order to promote the availability of the short term rental.
- 14 (e) It shall be unlawful to operate a short term rental without fire, hazard and liability insurance
15 within the liability coverage limits set by the director.

16 **Sec. 33-50 Brochures.**

17 Each short term rental shall provide a brochure on the licensed premises that includes the
18 licensee's contact information, a local responsible party's contact information, and any necessary
19 emergency contact information. For the purposes of this section, "local responsible party" means an
20 individual located in the City and County of Denver during the entire length of the short term rental
21 period who has access to the licensed premises and is authorized to make decisions regarding the
22 licensed premises. The brochure shall also provide information pertinent to the neighborhood where
23 the short term rental is located including, but not limited to, parking restrictions, restrictions on noise
24 and amplified sound, trash collection schedule, relevant water restrictions, fire evacuation routes,
25 and any other information, as required by the director, applicable to the short term rental and the
26 surrounding neighborhood.

27 **Sec. 33-51 License non transferrable.**

28 This license is non-transferrable. The department shall not accept any request to transfer
29 ownership or location of any license or license application. Any attempt to transfer location or
30 ownership of a license shall render the license subject to suspension or revocation pursuant to
31 Chapter 32.

1 **Sec. 33-52 Term license, renewal.**

2 (a) All licenses issued under this Chapter shall be valid for a period of one (1) year from the date
3 of their issuance.

4 (b) If the licensee has received notice of violation of any law or regulation, including disciplinary
5 action against the license, the application for renewal shall include a copy of the notice or
6 disciplinary action.

7 (c) Upon receipt of an application for renewal of the license, the director may set a hearing in
8 accordance with the requirements in Chapter 32 if there is reasonable cause to believe that:

9 (1) The licensee has violated any ordinance of the city, state, or federal law on the licensed
10 premises or has permitted such a violation on the premises by any other person; or

11 (2) There are grounds for suspension, revocation or other licensing sanction as provided in
12 Chapter 32.

13 **Sec. 33-53 Issuance or denial.**

14 No license authorized under this Chapter shall issue or renew unless the license is in
15 compliance with Chapter 32 of this Code.

16 **Sec. 33-54 Disciplinary actions; sanctions; penalties.**

17 Procedures for investigation of license violations and for suspension, revocation or other
18 licensing sanctions as a result of any such violation shall be as provided in Chapter 32 of this Code
19 and any rules and regulations promulgated by the director.

1 COMMITTEE APPROVAL DATE: April 13, 2016

2 MAYOR-COUNCIL DATE: April 19, 2016

3 PASSED BY THE COUNCIL: June 13, 2016

4 Christopher A. Henderson - PRESIDENT

5 APPROVED: [Signature] DEPUTY - MAYOR June 14, 2016

6 ATTEST: Debra Johnson - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: May 19, 2016; June 16, 2016

10 PREPARED BY: Colleen E. Morey, Assistant City Attorney DATE: May 12, 2016

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.

15 Denver City Attorney

16 BY: [Signature], Assistant City Attorney DATE: May 12, 2016

