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**COLUMBIA SHORT-TERM RENTALS AD HOC COMMITTEE MEETING AGENDA  
WEDNESDAY, DECEMBER 14, 2022**

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The Columbia Short-Term Rentals Ad Hoc Committee will conduct a meeting on Wednesday, December 14, 2022 at 4:00 p.m. at City Hall (Council Chambers), 1737 Main Street, Columbia, South Carolina. You may view the meeting online at [www.columbiasc.gov](http://www.columbiasc.gov). For questions regarding the meeting, please contact the City Clerk's Office at (803)545-3045 or [cityclerk@columbiasc.gov](mailto:cityclerk@columbiasc.gov).

The Honorable Howard E. Duvall, Jr., At-Large  
The Honorable William Brennan, District III ▪ The Honorable Tina N. Herbert, District I

*Prior to entering the meeting please turn all electronic communication devices to the silent, vibrate or off position. All presenters are asked to speak directly into the microphone for recording purposes.*

**CALL TO ORDER**

**OVERVIEW OF DRAFT ORDINANCE**

1. Proposed Short-Term Rental Ordinance - Mr. James Knox, Esq., Senior Assistant City Attorney

**COMMITTEE DISCUSSION AND NEXT STEPS**

**ADJOURNMENT**



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We Are Columbia

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**MEETING DATE:** December 14, 2022

**DEPARTMENT:** City Clerk

**FROM:** *Erika Hammond, City Clerk*

**SUBJECT:** **Proposed Short-Term Rental Ordinance - Mr. James Knox, Esq., Senior Assistant City Attorney**

**FUNDING SOURCE & ORIGINAL BUDGET:**

**ATTACHMENTS:**

- COC STR 12.7.22 (PDF)

## Draft 12.7.22

**SECTION 1.** The Code of Ordinances, City of Columbia, South Carolina, is hereby amended by adding Article IX to Chapter 5 to read as follows:

### ARTICLE IX. SHORT TERM RENTALS

#### Sec. 5-400. Scope of Article.

Unless otherwise specified, the requirements and provisions of this Article shall apply to owner-occupied and non-owner-occupied short-term rentals (collectively called "short-term rentals") made available to occupants for periods of less than 30 consecutive days in the municipal limits of the City. This Article does not apply to hotels, motels, bed and breakfast establishments, or inns that are subject to and compliant with the City's business license and other applicable Code requirements. Unless otherwise specified, this Article does not apply to rentals that are rented for a period of 30 days or greater and that are subject to the City's rental housing regulations found in Chapter 5, Article VIII of the Code.

#### Sec. 5-401. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this Article, have the meanings shown in this section. Where terms are not defined, through the methods authorized by this section or Code, such terms shall have ordinarily accepted meaning such as the context implies.

*Dwelling unit* means any structure or portion of a structure arranged or designed to provide independent living facilities for living, sleeping, and personal hygiene and that may legally be used for habitation by humans.

*Guest* means any person who occupies a short-term rental.

*Owner-occupied* means a dwelling unit that is lawfully classified as owner-occupied by Richland County and is receiving the 4% special assessment ratio.

*Non-owner-occupied* means a dwelling unit that is not owner-occupied and is used and/or advertised for rent for transient occupancy by guests.

*Residential district* means residential base zoning district as defined by Section 17-3.2 of the Unified Development Ordinance

*Responsible local representative* means a person having his or her place of residence or business office within 45 miles of the short-term rental property and designated by the property owner as the agent responsible for operating such property in compliance with the City's ordinances and having been authorized by appointment to accept service of process on behalf of the owner pursuant to Rule 4(d)(1) of the South Carolina Rules of Civil Procedure.

*Short-term rental (STR)* means the use and enjoyment of a dwelling unit, or portion thereof, for a duration of less than 30 consecutive days in exchange for valuable consideration. Hotels, motels, bed and breakfast establishments, and inns are excluded from this definition.

## **SEC. 5-402. SHORT-TERM RENTAL REGULATIONS**

The following regulations apply to all dwelling units being used as a short-term rental in the City:

- (a) **Determination of Short-Term Rental Offering:** Any advertisement for an STR by the owner or responsible local representative is sufficient to determine that a dwelling unit is being offered as a short-term rental.
- (b) **Business License Required:** The owner or responsible local representative offering a dwelling unit as a short-term rental shall obtain a business license and comply with all business license and revenue collection laws of the City of Columbia, Richland County, and State of South Carolina.
- (c) **Code Compliance Required:** The owner of a permitted STR shall ensure the STR property and dwelling unit is in compliance with all City ordinances at all times, which include, but are not limited to:
  - (1) Animal Control, Chapter 4;
  - (2) Building and Building Regulations, Chapter 5;
  - (3) Environmental Health and Sanitation, Chapter 8;
  - (4) Fire Prevention and Protection, Chapter 9;
  - (5) Unified Development Ordinance, Chapter 17; and
  - (6) Solid Waste Management, Chapter 19.
- (d) **Insurance:** The record owner of the subject property must keep in full force and effect, during all times the STR is operated, a general liability policy with a company authorized to do business in the State of South Carolina insuring against personal injury (including death) and property damage with limits of no less than \$1,000,000.00 per occurrence.
- (e) **Safety Inspection:** A safety inspection to ensure compliance with the regulations in this Article may be performed by the City if deemed necessary and with 24-hour notice to the permit holder.
- (f) **Records Required:** The property owner shall maintain the following which shall be made available to the City upon request:
  - (1) For a period of two years, records demonstrating compliance with these provisions, including but not limited to, information demonstrating residency, if required; the number of days per calendar year the residential unit has been

rented as an STR; and compliance with the insurance requirement in this section; and

- (2) The name and phone number of each short-term guest that booked the STR for the previous two years.

(g) Contact: The property owner must be willing to take phone calls at all times to address issues with the short-term rental; or the owner must provide the name, mailing address, and telephone number of a designated responsible local representative who is willing to take phone calls at all times if needed to address issues with the short-term rental use, and who is authorized to accept service of process on behalf of the owner.

(h) Permits are non-transferrable: If ownership of a permitted dwelling unit changes, the new owner must obtain a new permit before operating any part of the dwelling unit as an STR.

(i) Minimum Guest's Age: The guest making the booking or reservation for an STR shall be at least twenty-one (21) years of age.

(j) Minimum Stay Duration: The short-term rental shall not be available for occupancy for a period of less than one night.

(k) Permit Number in Advertisement: Any online advertisement for an STR must include the current STR permit number, as issued by the City, within the description section of the advertisement.

(l) House Manual: At a minimum, the following shall be made available to each short-term guest:

- (1) Emergency contact numbers;
- (2) The name and contact information for the owner or responsible local representative;
- (3) Instructions or a diagram of the designated parking space(s); and
- (4) The house rules imposed on guests by the owner.

(m) Parking Spaces Required: One parking space for every two bedrooms in a dwelling unit must be made available and designated on an STR property. Guests must be notified of the parking plan and the maximum number of vehicles allowed on-site, which shall not exceed six vehicles.

(n) Maximum Occupancy: The maximum overnight occupancy of an STR shall not exceed two persons per bedroom, plus two additional people per dwelling unit;

(o) Identity Verification: The owner or responsible local representative shall be responsible for determining that a guest who booked the STR is in fact a guest occupying the STR.

(p) Neighbor Notification: the owner or responsible local representative of an STR shall notify each household within a 200 foot radius of the STR that the property is being operated as an STR and must provide such households with the address of the STR and the phone number of the owner or responsible local representative.

#### **SEC. 5-403. SHORT-TERM RENTAL PERMIT REQUIRED**

(a) No dwelling unit in the City shall be operated as a short-term rental without a current STR permit issued by the City of Columbia. Permits are to be issued and renewed on an annual basis and will only be issued or renewed to an owner or responsible local representative having his or her place of residence or business office within 45 miles of the short-term rental property.

(b) Applications for renewals of STR permits must be submitted by July 1, of each year, except that any holder of a permit issued before July 1, 2023, will have until July 1, 2024, to submit an application for renewal. Beginning in 2024, any application for a permit renewal not submitted by July 31, will result in the loss of the permit.

(c) STR permits are non-transferable. A new owner or responsible local representative of a permitted STR shall be required to obtain a new and separate permit for the dwelling unit by submitting a new STR permit application.

(d) The permits required by this Article are regulated privileges, not rights, and can be revoked by the City in accordance with the provisions provided in this Article.

#### **SEC. 5-404. SHORT-TERM RENTAL PERMIT APPLICATION & FEES**

(a) An application is required for initial permit issuance and permit renewal and must be submitted on a form provided by the City. A separate application is required for each permit or renewal being sought. The STR application shall contain, at a minimum, the following information:

- (1) The address of the dwelling unit;
- (2) The number of bedrooms in the dwelling unit;
- (3) The names, mailing addresses, and phone numbers, of the owner(s) and any responsible local representative;
- (4) The address where the owner or responsible local representative will accept notices and orders;
- (5) An affidavit signed by the property owner certifying the property complies with all fire and building code ordinances;
- (6) Certification that the owner has read applicable city regulations, including, but not limited to, those found in Section 5-402(c) of this Article;
- (7) Certification that the owner is aware that penalties may be assessed for violations by guests; and

- (8) Copy of general liability insurance.
- (b) The permit fees shall be paid at the time of application submission. These fees are established by City Council and may be changed from time to time. These fees include the following:
- (1) A non-refundable application fee of \$50; and
  - (2) For an owner-occupied STR, a non-refundable STR permit registration fee of \$100.00; or
  - (3) For a non-owner-occupied STR, a non-refundable STR permit registration fee of \$250.00 per dwelling unit.
  - (4) Any permit renewal application and associated fees submitted after July 1, will incur a late fee of \$100.
- (c) An STR permit holder shall notify the City of any changes to the information submitted in the application within 30 days after any such change occurs.

#### **SEC. 5-405. CRITERIA FOR PERMIT ISSUANCE**

- (a) Unless otherwise provided for by this Article, the City shall issue an STR permit, within 30 days from application submission, to an applicant if the following criteria are met:
- (1) The City has determined that the STR application is complete and all permit fees have been paid;
  - (2) The dwelling unit listed in the application has either passed a safety inspection or has been certified by the applicant that the dwelling unit complies with all applicable fire and building codes;
  - (3) The City has determined that all requirements of this Article are satisfied; and
  - (4) Issuance of the permit will not violate any other provision of this Article.

#### **SEC. 5-406. PERMIT CAP FOR RESIDENTIAL DISTRICTS**

- (a) There shall be a cap imposed on the number of STR permits issued for non-owner occupied short-term rentals located in a residential district. The numerical cap amount shall be equivalent to the number of permits issued for non-owner occupied short-term rentals located in a residential district on the 90<sup>th</sup> day after passage of this ordinance. Unless otherwise provided for by this Article, no permit may be issued for a non-owner occupied short-term rental in a residential district if such issuance would exceed this cap.
- (b) Any potential applicant seeking a permit for a short-term rental in a residential district, but that is unable to receive the permit due to the cap will be placed on a waiting list maintained by the City. A permit application is not required for placement on the waiting list. As permits become available, the City will notify the potential applicant

having been placed on the waiting list for the longest amount of time and any such potential applicant will have 10 days to submit a permit application. If no such application is submitted within 10 days of the notification, the potential applicant will be removed from the waiting list and the next potential applicant on the list will be notified and provided the same opportunity to submit an application.

#### **SEC. 5-407. SHORT-TERM RENTAL PERMIT EQUIVALENCY**

(a) An STR permit issued pursuant to this Article shall be considered the equivalent of a rental permit for the purposes of Section 5-326. A holder of a current and valid STR permit may rent the dwelling unit for periods of 30 days or greater without obtaining a separate rental permit as required under Section 5-326 so long as all requirements of Chapter 5, Article VIII are satisfied.

#### **SEC. 5-408. VIOLATIONS**

(a) STR owners are ultimately responsible for the conduct of their occupants and guests, regardless of whether the owners are present at the dwelling unit. Violations include, but are not limited to:

- (1) Intentionally providing false or inaccurate information about a dwelling unit or short-term rental to the City;
- (2) Failure to have a valid STR permit for any dwelling unit at a time when it is used in whole or in part as a short-term rental;
- (3) Violation of any part of this article;
- (4) Violation of any City or Richland County ordinance or state law by owners, responsible local representatives, operators, lessors, agents, occupants, or guests of short-term rentals including, but not limited to, violations of ordinances and laws concerning excessive noise, disorderly conduct, littering, underage drinking, drug offenses, public drunkenness, traffic and parking, and all other criminal and nuisance offenses.

(b) In the event a violation takes place at an STR regulated by this article, such violation shall be grounds for the accumulation of points as follows:

- (1) For one or more written warnings given in any 24-hour period for one or more of the violations listed above, points will be assessed on the permit for that STR in accordance with following:
  - a. *First violation.* One point will be assessed for the first occurrence of a violation.
  - b. *Second violation and each violation thereafter.* Five points will be assessed for a second occurrence and each occurrence thereafter of a violation within the same permit year.

(c) The first violation at an STR regulated by this article, shall incur a penalty of \$100. The second violation at an STR regulated by this article, and each violation thereafter, shall incur a penalty of \$500.

#### **SEC. 5-408. REVOCATION OF PERMIT**

- (a) Accumulation of 10 or more points on a STR permit within a 12 month period shall subject the owner to proceedings to revoke the permit and the following procedure shall be followed:
- (1) The police chief or designee shall cause to be served written notice to show cause why the permit should not be revoked. Service shall be deemed complete if personally delivered upon the owner or responsible local representative by any officer authorized by law to serve process or a duly appointed law enforcement officer of the city police department. The person serving process shall make proof of service within the time during which the person served must respond to the process. If service cannot be personally made within the city, then service may be made by notice posted on the property and mailed certified return receipt to the last known address of record.
  - (2) The owner or responsible local representative shall have 15 days from the date of service to request a hearing to appeal the revocation of the permit. The request shall be sent to the police chief by certified mail, return receipt requested. If such request is not timely made, the revocation shall take effect on the 21st day after the date of service to show cause.
  - (3) Upon request for a hearing, the police chief or designee is authorized to schedule the appeal with the property maintenance board of appeals (PMBoA) at the next regularly scheduled meeting or special called meeting by the board.
  - (4) Once the hearing is scheduled, the property should be posted to announce the hearing date to the general public.
  - (5) In conducting the hearing, the PMBoA shall have the power to administer oaths, issue subpoenas, compel the production of books, paper, and other documents, and receive evidence. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to the PMBoA's recommended order, and to be represented by counsel or other qualified representative. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The lack of actual knowledge of, acquiescence to, participation in, or responsibility for, a public nuisance at common law or a noxious use of private property on the part of the owner or responsible local representative shall not be a defense by such owner or responsible local representative.
  - (6) If the PMBoA finds that the violations resulting in the accumulation of 10 or more points did in fact occur and that 10 or more points have accumulated on the permit within a 12-month period, then PMBoA shall prepare a recommended order.

- (7) If the PMBoA finds 10 or more points have not accumulated on the permit within a 12-month period, the PMBoA will prepare a recommended order to dismiss the revocation action and recommend which points, if any, should be rescinded from the permit based upon the actions taken by the owner to seek compliance with the City's ordinances.
- (8) The PMBoA's recommended order shall consist of findings of fact, conclusions of law and recommended relief. The police chief or designee shall transmit the recommended order to the city manager and the owner or responsible local representative. The owner or responsible local representative shall have 15 days from the date of the hearing officer's order to submit written exceptions to the PMBoA's recommended order. The city manager shall review such order and any written exceptions by the owner and may set forth any deficiencies he/she finds with respect to the order. Said deficiencies shall be limited to determinations that the findings were not based upon competent, substantial evidence, or that the proceedings on which the findings were based did not comply with the essential requirements of law. In reviewing such recommended order, the city manager shall not have the power to receive or consider additional evidence and shall not have the power to reject or modify the findings of fact or conclusions of law contained in the recommended order. The city manager may remand the recommended order along with the delineated deficiencies back to the PMBoA for consideration of the deficiencies. The PMBoA shall address the deficiencies in an addendum to the recommended order. The city manager shall then either: (a) adopt the recommended order and addendum, if applicable, in its entirety; or (b) adopt the findings of fact and conclusions of law in the recommended order and addendum, if applicable, and reject or modify the recommended relief. The action of the city manager shall be the final order of the city.
- (9) The city manager or designee shall provide notice of the final order within five days of the date of the final order.
- (10) In addition to the above-described procedures, the city attorney is authorized to file for injunctive relief to abate the public nuisance at common law or noxious use of private property pursuant to law.
- (11) The final order of the city is subject to certiorari review in a court of competent jurisdiction in Richland or Lexington County, South Carolina.

#### **SEC. 5-409. PERMIT APPLICATION AFTER REVOCATION**

- (a) Upon revocation of an STR permit of a dwelling unit, the owner or responsible local representative of the dwelling unit will not be eligible to apply for a new permit until six months have passed from the date of revocation. The City shall not issue an STR permit for a dwelling unit that has been subject to a permit revocation more than once.

#### **SECTION 3. Severability.**

Should any part or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance, the city council hereby declaring that it would have passed

this Ordinance irrespective of the fact that any one or more parts or provisions may be declared to be unconstitutional, invalid, or otherwise ineffective.