

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

3 SERIES OF 2020

COUNCIL BILL NO. CB20-

COMMITTEE OF REFERENCE:

Business Development

5 **A BILL**

6 **For an ordinance amending the short-term rentals chapter of the Denver Revised**
7 **Municipal Code to provide a definition for booking service providers, clarify duties**
8 **of Excise and Licenses hearing officers, and authorize subpoena power for the**
9 **Director of Excise and Licenses.**

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** Article III of Chapter 33 shall be amended by adding the language underlined
12 and deleting the language stricken to read as follows:

13 **ARTICLE III. – SHORT-TERM RENTALS**

14 **Sec. 33-46. – Definitions.**

15 (1) *Booking service provider* means any person or entity who facilitates a transaction
16 between a prospective guest and a person or entity offering a short-term rental.

17 ~~(2)~~ *Department* means the Denver Department of Excise and Licenses.

18 ~~(23)~~ *Director* means the director of the Denver Department of Excise and Licenses.

19 ~~(34)~~ *Licensed premises* means the premises specified in an approved application for
20 a license under this chapter which are owned or in the possession of the licenses and within which
21 such licensee is permitted to provide short-term rental in accordance with the provisions of this
22 article.

23 ~~(45)~~ *Primary residence* means the place in which a person's habitation is fixed for the
24 term of the license and is the person's usual place of return. A person can only have only one
25 primary residence.

26 ~~(56)~~ *Short-term rental* means any dwelling unit offered, provided, or operated as
27 lodging accommodations to guests in exchange for remuneration for a period of less than thirty (30)
28 consecutive days, but does not include a facility licensed pursuant to article I of chapter 26 or article
29 II of chapter 33. "Dwelling unit" has the meaning set forth in the Denver Zoning Code.

30 **Sec. 33-49. - Unlawful acts.**

31 (f) *Unlawful transactions.* It shall be unlawful for any booking service provider to receive
32 payment, directly or indirectly, for an unlicensed short-term rental located in the City and County of
33 Denver. The provisions of this subsection (f) are entirely strict liability in nature.

1 (g) Records. It shall be unlawful for any person or entity to fail to comply with section 33-55.

2 (h) Penalty. In addition to the general penalty provided for in D.R.M.C. sec. 1-13(a), a booking
3 service provider who violates subsection (f) or (g) of this section shall be subject to a civil penalty of
4 one thousand dollars (\$1000.00) per violation per day.

5 **Sec. 33-55. – Records.**

6 (a) Each short-term rental licensee shall maintain the following records for the past year:

7 (1) Total number of nights the short-term rental was rented to a guest; and

8 (2) The dates in which the short-term rental was rented by a guest.

9 (b) Each booking service provider shall maintain the following information for short-term
10 rental transactions facilitated in the City and County of Denver within the past five years:

11 (1) The name of the person who offered the short-term rental;

12 (2) The address of the short-term rental;

13 (3) The dates for which the short-term rental was booked by a guest;

14 (4) The price paid by the guest for each short-term rental transaction; and

15 (5) The short-term rental license number.

16 (c) The Department shall maintain and make publicly available a list of all licensed short-
17 term rentals within the City.

18 **Section 2.** Article III of Chapter 32 shall be amended by adding the language underlined to
19 read as follows:

20 **Sec. 32-1. - Enforcement by director of excise and licenses to have exclusive**
21 **licensing powers; hearing officers.**

22 (a) The director of excise and licenses shall have full power to grant, renew, suspend
23 during investigation and revoke after notice and hearing thereon, all licenses issued under
24 authority of this chapter 32.

25 (b) The director may designate a hearing officer or other such person to carry out the duties
26 of this chapter. The hearing officer shall be appointed by the director and shall serve at the
27 director's pleasure. The director may delegate to the hearing officer the hearing of all matters,
28 appeals, and cases which the director may hear. The director or hearing officer shall have the
29 power to control the hearing including but not limited to: ruling upon motions and offers of proof,
30 receiving and admitting evidence, limiting the presentation of evidence and cross-examination so
31 as to prevent repetitive and cumulative evidence or examination, and ordering any person to be
32 removed from the hearing. The hearing officer shall hear all testimony and prepare a written
33 statement of findings and recommendations to the director. The director shall review all matters

1 contained in the record and considered by the hearing officer as set forth in the written findings
2 and thereupon make a final decision and determination. Unless stated otherwise, the director is
3 not bound by the written findings and recommendations of the hearing officer.

4 **Sec. 32-26. – Records and subpoenas.**

5 (a) The director of excise and licenses shall keep a record of all licenses issued, setting
6 forth: the name of every licensee; the place of business licensed, if any; the residence of the
7 licensee or of each of the individual members of the licensee firm, or of each of the directing
8 officers of the licensee corporation; the kind and grade of license issued; the date the license was
9 issued; and the date on which the license expires.

10 (b) The director shall have the authority to issue subpoenas to compel the attendance and
11 testimony of witnesses, with or without documentary evidence, and the production of books and
12 documents. The process for issuance and review of subpoenas shall be established by Department
13 rule.

14 (c) The director may serve the subpoena by personal service as provided in C.R.C.P. 4(e) or
15 by certified mail to the subpoenaed party at the last known address provided to the department.

16 (d) It shall be unlawful for any person to refuse to obey a subpoena issued by the director.

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27 COMMITTEE APPROVAL DATE:

28 MAYOR-COUNCIL DATE:

29 PASSED BY THE COUNCIL: _____, 2020

30 _____ - PRESIDENT

31 APPROVED: _____ - MAYOR _____, 2020

32 ATTEST: _____ - CLERK AND RECORDER,
33 EX-OFFICIO CLERK OF THE
34 CITY AND COUNTY OF DENVER

1 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2020; _____, 2020

2 PREPARED BY: Reginald Nubine, Assistant City Attorney

3 DATE: _____, 2020

4 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
5 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
6 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
7 3.2.6 of the Charter.

8 Kristin Bronson, Denver City Attorney

9 BY: _____, Assistant City Attorney DATE: _____, 2020

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DRAFT