

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2016

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

**A BILL**

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

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

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

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

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

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

**Article III. –SHORT TERM RENTALS**

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

**Sec. 33-46 Definitions.**

- (1) “Department” means the Denver Department of Excise and Licenses.
- (2) “Director” means the director of the Denver Department of Excise and Licenses.
- (3) “Licensed premises” means the premises specified in an approved application for a license under this Chapter which are owned or in the possession of the licensee and within which such licensee is permitted to provide short term rental in accordance with the provisions of this article.
- (4) “Primary residence” means a residence which is the usual place of return for housing as 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  
11 director pursuant to Chapter 32. All applications shall be made upon forms provided by the  
12 director.

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

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

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

19 (e) The applicant shall possess a valid City Lodger’s Tax account number pursuant to Chapter  
20 53.

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

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

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

1 expires, the applicant must begin the licensing process anew.

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

3 (a) Safety Requirements. Each short term rental shall have a smoke detector, carbon  
4 monoxide detector, and fire extinguisher on the licensed premises during each short term  
5 rental occupancy. It shall be unlawful to operate a short term rental without a smoke  
6 detector, carbon monoxide detector or fire extinguisher.

7 (b) Primary Residence. It shall be unlawful to operate a short term rental in any location that is  
8 not the applicant's primary residence.

9 (c) Compliance with city and state laws. It shall be unlawful to operate a short term rental that  
10 does not comply with all applicable city and state laws.

11 (d) Advertising. It shall be unlawful to advertise any short term rental without the license  
12 number clearly displayed on the face of the advertisement. For the purposes of this section,  
13 the terms "advertise," "advertising" or "advertisement" mean the act of drawing the public's  
14 attention to a short term rental in order to promote the availability of the short term rental.

15 (e) It shall be unlawful to operate a short term rental without fire, hazard and liability insurance  
16 within the liability coverage limits set by the director.

17 **Sec. 33-50 Brochures.**

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

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

29 This license is non-transferrable. The department shall not accept any request to transfer  
30 ownership or location of any license or license application. Any attempt to transfer location or

1 ownership of a license shall render the license subject to suspension or revocation pursuant to  
2 Chapter 32.

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

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

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

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

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

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

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

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

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

19 Procedures for investigation of license violations and for suspension, revocation or other  
20 licensing sanctions as a result of any such violation shall be as provided in Chapter 32 of this Code  
21 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: \_\_\_\_\_, 2016  
4 \_\_\_\_\_ - PRESIDENT

5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_, 2016

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

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_, 2016; \_\_\_\_\_, 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: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_, 2016