

# BEREA CITY COUNCIL

*City of Berea, Ohio*

RESOLUTION NO. 2022-35

By: Councilman Leon R. Dozier, Sr. Sponsor: Council President Jim Maxwell  
Council Members: Brown, Coble, Dozier, McManis, Skoczen, Weaver & Zacharyasz

## A RESOLUTION

**OPPOSING HOUSE BILL 563 WHICH, IF PASSED, WILL PROHIBIT A MUNICIPAL CORPORATION FROM ADOPTING OR ENFORCING ANY REGULATION OR RESTRICTION THAT PROHIBITS SHORT-TERM RENTAL PROPERTIES OR REGULATES THE NUMBER, DURATION OR FREQUENCY OF RENTAL PERIODS FOR SHORT-TERM RENTAL PROPERTIES, AND DECLARING AN EMERGENCY.**

**WHEREAS**, H.B. 563, if passed, will prohibit a municipal corporation from adopting or enforcing any regulation or restriction that prohibits short-term rental properties or regulates the number, duration or frequency of rental periods for short-term rental properties; and

**WHEREAS**, H.B. 563 conflicts with Article XVIII, Section 3, of the Ohio Constitution which states that: "Municipalities shall have the authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with the general laws"; and

**WHEREAS**, H.B. 563 is another attempt by members of the General Assembly to preempt Home Rule authority; and

**WHEREAS**, even the Ohio Legislative Service Commission recognizes that H.B. 563 may raise constitutional concerns, as evidenced by the following comment in their analysis of the bill: "The bill may raise an issue under the Ohio Constitution Home Rule Amendment"; and

**WHEREAS**, H.B. 563 will prohibit cities from creating necessary regulations that protect the health, safety and best interests of the residents in each municipality in Ohio, including Berea; and

**WHEREAS**, the preservation of local control in Ohio is critical because what works for large urban cities and its suburbs do not always work for Ohio's small rural villages; and

**WHEREAS**, Home Rule Authority, as established in the Ohio Constitution, grants the residents of municipalities a voice in deciding what is best for the community they call home; and

**WHEREAS**, H.B. 563 is a clear preemption of that constitutional authority.

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**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Berea, State of Ohio:

**SECTION 1.** The Council of the City of Berea hereby opposes H.B. 563 and strongly urges members of the Ohio House to respect Constitutional Home Rule Authority by defeating H.B. 563.

**SECTION 2.** That the Clerk of the Council of the City of Berea is hereby directed to send a copy of this Resolution to Representatives Thomas F. Patton and Bride Rose Sweeney, and to Scott Wiggam, Chair and Marilyn S. John, Vice-Chair of the House State and Local Government Committee and to Senators Matt Dolan and Nickie J. Antonio.

**SECTION 3.** That it is found and determined that all formal actions of this Council concerning and relating to the approval of this Resolution were approved in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 4.** That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that it is unknown when a vote will be taken in the Ohio House of Representatives, and thus immediately necessary to let the Members of that body, as well as those in the Ohio Senate, know where the City, as well as their constituents, stand on this bill and encourage them to vote down H.B.563. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: June 6, 2022

ATTEST: John E.  
Clerk of Council

APPROVED AS TO FORM:

John E.  
Director of Law

Cyril Klein  
President of Council  
APPROVED: June 7, 2022  
Cyril Klein  
Mayor