

## Lawyers for lodging owners group challenge legality of proposed STR regulation

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This photo from October 2025 shows a town hall meeting of the Hocking Hills Lodging Owners Association, to discuss Hocking County's proposed regulation of short-term rentals.

FILE PHOTO

A law firm that's representing a group of Hocking County short-term rental (STR) operators has raised questions about the county's proposed regulation affecting such rentals, and by extension, about other proposed county land use regulations as well.

In a letter dated March 2 sent to the Hocking County Prosecutor's Office, the law firm of Kegler, Brown, Hill and Ritter questions whether the county commissioners have the legal authority to adopt land use regulations such as the proposed STR ordinance. The firm represents the Hocking Hills Lodging Owners Association (HHLOA), which has voiced strong concerns about the negative impact the new regulation could have on the viability of their members' businesses.

In the law firm's letter, it notes that because Hocking County is a non-charter county, it "does not have home-rule powers akin to a municipality or a home-rule county," which means that the only powers the county commissioners have are those defined by state statute.

The letter cites a 1993 ruling by the Ohio Supreme Court, in which the court found that a non-charter county is presumed to not have authority to regulate in a particular area, unless a state statute explicitly gives it that power. This is different from the status of a municipality, which is presumed to have the authority to regulate.

The letter then goes on to review sections of the Ohio Revised Code that are relevant to the question of whether the county has legal authority to enact different components of the proposed new regulation.

O.R.C. Chapter 303, for example, allows counties to regulate land uses through rural zoning processes set out in the chapter. However, the letter states, the law specifically says that a county commission can regulate land uses only in accordance with a comprehensive plan.

The Hocking County Zoning Commission has cited O.R.C. Chapter 711 as its authority for the STR ordinance. But while it is true that this chapter gives county commissioners the authority to adopt general rules governing plats and subdivisions of land, the letter adds, "it is important to note that the purpose of a plat is to subdivide and sell property. It is not a device to regulate land use."

The letter then reviews the different features of the STR regulation, maintaining that a number of them are not within the county's legal authority to adopt.

As previously reported in the Logan Daily News, The STR regulation as first drafted would require any STR to have a permit from the county's regional planning office, and sets out the criteria that must be met to qualify for a permit. It would also set operating standards covering a wide range of issues from parking capacity to age requirements for tenants.

By their reading of the law, the legal firm says, the commissioners don't have statutory authority to adopt a permitting system that targets a specific type of land use in the county, or to impose the types of operating standards included in the ordinance.

The letter concludes that the county can only regulate building and land use if it has a comprehensive zoning plan which has been enacted through the process laid out in O.R.C. Chapter 303. However, it adds, the proposed STR regulation is not authorized by either Chapter 303 or Chapter 711, and "as a result of its component parts not being expressly authorized by the General Assembly, it violates key tenets of Ohio local government law."

When the Hocking County Commissioners were asked about the law firm's claims during their Thursday meeting, they indicated that the issue was being handled by the county prosecutor's office as the county's legal counsel.

Commissioner Jason D'Onofrio added that in his personal view, "I think it was a verbiage thing." He noted that in its letter the law firm refers to the proposed regulation measures as "ordinances," which by legal definition they are not. "I think that's the sticking point," he added.

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HHLOA Board Chair Uma Zielinski told the Logan Daily News that the group is waiting to hear back from the county prosecutor's office on the legal issues they have raised.

"We understand that the county commissioners are consulting with the county prosecutor's office to determine whether the proposed ordinances are consistent with Ohio law," Zielinski said. "Our attorneys have been in contact with the county prosecutor's office and have communicated what we believe to be the legal deficiencies in the STR ordinances. We await feedback at this time."

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