



City of North Adams

In City Council

January 11, 2022

BE IT ORDAINED by the City Council of the City of North Adams as follows:

Amended per the motion made and passed at the June 09, 2021 meeting of the City Council's Community Development committee to add language to Section 10.13.2, entitled "Definitions", defining the term "social events" as employed in Section 10.13.4(3)(k). Further corrections made on December 08, 2021. All amendments and corrections are shown in redline.

That Section 10, entitled "Special Regulations", of Chapter Z of the Revised Ordinances of the City of North Adams be and is hereby amended by inserting in numerical order therein the following Section 10.13:

10.13. Short-term rentals.

10.13.1. Purpose. The purpose of this section to protect and promote the health, safety and well-being of North Adams residents and visitors, to ensure that the primary use of residential properties remains residential, and to ensure that the short-term rental of residential units will not be a detriment to the character and livability of the surrounding residential neighborhood by establishing a process by which short-term rental units shall be registered for such use and operated under the regulations set forth hereinafter.

10.13.2. Definitions. For the purposes of this Section 10.13, certain terms or words shall be as defined below.

- (1) **Short-term rental.** Any rental via advanced reservation of a dwelling unit, or of a bedroom therein, in exchange for payment, as residential accommodations for a duration of fewer than thirty (30) consecutive days that is not within a hotel, motel, lodging house, or bed and breakfast.
- (2) **Short-term rental operator.** The person or persons offering a dwelling unit, or a bedroom therein, who may be either the owner or the primary leaseholder of the dwelling unit with the written permission of the property owner and, if applicable, the condominium association.
- (3) **Short-term renter.** Any person or persons occupying a dwelling unit, or a bedroom therein, as a short-term rental for a duration of fewer than thirty (30) consecutive days.
- (4) **Operator-occupied short-term rental.** A dwelling unit, of up to, but not exceeding, three (3) individual bedrooms therein, made available for short-term rental that is the primary residence of its operator.
- (5) **Owner-adjacent short-term rental.** A dwelling unit made available for short-term rental that is not the primary residence of the operator, but is located within a residential building with a total of four or fewer dwelling units where all dwelling units in the building are owned by the operator, and one of the dwelling units in the building is the primary residence of the operator.
- (6) **Limited share unit.** A dwelling unit that is the operator's primary residence, a portion of which therein is offered as a short-term rental while the operator is

present. Occupancy shall be limited to no more than three (3) bedrooms and no more than one (1) party of short-term renters.

(7) Home share unit. An entire dwelling offered as a short-term rental that is the operator's primary residence or is within the same building containing the operator's primary residence and is owned by said operator.

(8) Primary residence. The dwelling unit in which the operator has resided for at least six (6) months and one (1) day of the preceding twelve (12) month period. Primary residence is demonstrated by evidence that as of the date of registration of the dwelling unit as a short-term rental unit, the operator has resided in the dwelling unit for at least six (6) months and one (1) day of the past twelve (12) months.

(9) Dwelling unit. As defined in c.Z §13.

(10) Problem property. Any dwelling unit located at an address to which the Police Department has been called four (4) or more times within the preceding twelve (12) month period for any incident involving an arrestable offense committed by the short-term rental operator thereof; or where the Department of Inspection Services and/or the board of health have received two (2) or more complaints within the preceding twelve (12) months.

(11) Professionally-managed short-term rental. A dwelling unit made available for short-term rental that is neither the primary residence of the operator nor is located within the same residential building as the operator's primary residence and the management of which is conducted by a local agent in charge.

(12) Local agent in charge. The individual, company, or other legal entity contracted by the owner of a professionally-managed short-term rental to supervise and maintain the property, respond to nuisance complaints, and other issues with the property and its day-to-day operation as a short-term rental.

(13) Social event. Events or parties on the premises of a short-term rental involving ten (10) or more individuals in addition to the short-term renter.

10.13.3. Ineligible dwelling units. The following dwelling units are not eligible to be operated as short-term rentals:

(1) Dwelling units that are not operator-occupied, owner-adjacent or professionally-managed as defined herein.

(2) Dwelling units that are located within problem properties pursuant to §10.13.2(10).

(3) Dwelling units that are the subject of three (3) or more findings of violations of this section by the Department of Inspection Services within a six (6) month period, or three (3) or more violations of any municipal or state law or code

relating to excessive noise, improper disposal of trash, disorderly conduct, or are the subject of three (3) or more nuisance complaints within a six (6) month period. Dwelling units found ineligible pursuant to this subsection shall remain ineligible for a period of twelve (12) months following the third violation or complaint.

(4) Dwelling units located within a property subject to any outstanding building, health, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, unpaid taxes, water/sewer or tax liens, or other existing judgments or penalties imposed by the city and without resolution. If a violation or other order is issued after the dwelling unit has been registered, Inspection Services shall suspend the dwelling unit's registration until the violation is remedied or otherwise resolved.

10.13.4. Requirements.

(1) Operator-occupied and owner-adjacent short-term rentals are allowed by-right in all zoning districts except within the AP-1 and AH-1 districts.

(2) Professionally-managed units are allowed by-right with Site Plan Approval in the B-1, B-2, CBD, S-1, and I-1 zoning districts and by Special Permit in the RU-1, R-2, R-3, R-4, and R-5 zoning districts.

(3) Short-term rentals shall be subject to the following requirements:

(a) All short-term rentals must satisfy the requirements set forth in the current edition of the Massachusetts State Building Code and all subsequent amendments in accordance with the following classification schedule:

(i) Operator-occupied or owner-adjacent short-term rentals in a single- or two-family home must comply with the Building Code requirements for single- and two-family homes.

(ii) Operator-occupied short-term and owner-adjacent rentals in a multifamily home, apartment or condominium building must comply with the Building Code requirements for Residential Group R-2.

(iii) Professionally-managed short-term rental units in all forms of housing shall comply with Building Code regulations for Residential Group R-1.

(b) All short-term rental operators shall register with the Department of Inspection Services prior to short-term rental use and occupancy pursuant to §10.13.6.

(c) A dwelling unit or bedroom that is a portion thereof offered as a short-term rental unit shall comply with all standards and regulations promulgated by the Department of Inspection Services.

(d) A short-term rental operator may make available no more than one (1) dwelling unit for operator-occupied short-term rentals, which may include the separate short-term rental of no more than three (3) individual bedrooms, or one (1) dwelling unit for owner-adjacent short-term rentals.

(f) Short-term rental operators shall at all times remain compliant with state laws and regulations regarding fees, taxes, registration, and insurance.

(g) An owner-adjacent short-term rental may be rented only as a home share unit to one party of short-term renters at any one time and not rented as multiple limited share units to multiple parties.

(h) An operator-occupied short-term rental unit from which the operator is away for a period of more than seven (7) days may be rented only as a home share unit to one party of short-term renters and not rented as multiple limited share units to multiple parties.

(i) The number of individual bedrooms made available within a short-term rental unit shall not be greater than the number of lawful bedrooms contained within the dwelling unit, and shall not exceed three bedrooms.

(j) Commercial meetings and uses are prohibited in all short-term rentals.

(k) Social events with attendance of more than ten (10) individuals are prohibited in all short-term rentals.

(l) Any pool or spa made available as part of a short-term rental shall comply with the requirements for semi-public pools and spas as set forth in 105 CMR 435.

10.13.5. Regulations.

(1) The Department of Inspection Services shall have the authority to promulgate regulations to carry out and enforce the provisions of this §10.13 "Short-term Rentals."

(2) The Department of Inspection Services shall make regulations readily available to the public.

10.13.6. Registration.

(1) All dwelling units offered for short-term rental shall register with the Department of Inspection Services for a certificate of registration. As part of the

registration application, short-term rental operators shall provide the Department of Inspection Services with:

(a) Proof that the dwelling unit to be offered as a short-term rental unit or one of the dwelling units within the building containing the unit to be offered as a short-term rental unit is the operator's primary residence or that the unit is a professionally-managed short-term rental. Such proof shall include:

(i) An affidavit signed under the pains and penalties of perjury stating that the applicant either owns or has the legal ability to operate a short-term rental unit at the address.

(ii) If the unit is not owner-occupied or owner-adjacent, a copy of a contract or other legal agreement between the owner and the local agent in charge that is contracted to provide management services to the unit.

(b) If the short-term rental operator is not the owner of the dwelling unit, the operator shall provide written permission to operate the unit as a short-term rental from the property owner.

(c) If the short-term rental unit is located within a condominium project, written approval from the appropriate condominium association officer or manager for operation of a short-term rental at that location.

(2) Prior to issuance or renewal of a certificate of registration the Department of Inspection Services shall conduct an inspection to verify that each dwelling unit and bedroom to be offered as a short-term rental unit:

(a) Is compliant with all code requirements for occupancy.

(b) Is compliant with all other requirements of this §10.13 "Short-term Rentals" and any and all regulations promulgated by the Department of Inspection Services.

(3) The certificate of registration shall expire one year from the date of issuance. It is the responsibility of the short-term rental operator to renew the certificate of registration.

10.13.7. Procedural requirements.

(1) The following information shall be posted in a conspicuous location within short-term rental units:

(a) An emergency exit diagram in all bedrooms and on all egresses from the dwelling unit.

(b) The certificate of registration for the short-term rental unit.

(c) If a professionally-managed short-term rental: the name and contact information of the local agent in charge.

(2) The following information shall be provided to short-term renters:

(a) Phone numbers for the North Adams Police Department, the North Adams Fire Department, and Emergency Medical Services in case of emergency.

(b) A description of regulations, if any, relative to on-street parking at the address and fines for parking violations.

(c) The contact information for the short-term rental operator and a local contact available for response to complaints and non-emergency issues.

10.13.8. Taxes, fees, and penalties.

(1) All short-term rental units shall be subject to the state and local taxes set forth by M.G.L. c.64G §3A.

(2) Short-term rental units shall be subject to the Community Impact Fee authorized by M.G.L. c.64G §3D upon an affirmative vote of such by the City Council.

(3) All short-term rental units shall be subject to fees for inspections as determined by the Department of Inspection Services.

(4) Failure to comply with any provision of this §10.13 will result in a fine as proscribed in c.29 §2 of the Revised Ordinances of the City of North Adams.

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Note also that 35% of these fees must be dedicated to affordable housing or local infrastructure projects.

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Reviewing the online version of the Zoning Ordinance, I do not see SPA in the Appendix A table, either in the abbreviations legend at the top or in the table itself. It should be added if does not appear in the current version.