

Warrant Article XX. To see if the Town will vote to amend the Zoning Bylaws to address the regulation of Short Term Rentals as defined in MGL, Part I, Title IX, Chapter 64G, Section 1 to ensure observance of health and safety standards and compliance with applicable MGL as follows:

#### X.XX Short Term Rental of Residential Property

##### X.X.X Purpose

Short-term rentals (STRs) as defined in Section 2.2 are allowed for residential properties in conformance with regulations that aim to balance private, neighborhood, and municipal interests by ensuring compliance with applicable Massachusetts General Law regarding Short Term Rentals and ensure observance of residential health and safety regulations.

##### **X.X.X Registration and Regulations**

**1. Registration** – All short-term rentals must register annually with the Stockbridge Town Clerk. A registration fee may be required as determined by the Board of Selectmen. The following information must be provided:

- a. Owner Name;
  - i. If owned by a Trust, Trustee and Beneficiary name and contact information in addition to a copy of the Trust;
  - ii. If owned by an LLC, the members of the LLC, contact information and a copy of the Articles of Organization and Bylaws.
- b. Primary Manager name - the name and contact information of the **local responsible party (required)** who would respond in the event of any problem, complaint or emergency reported by a guest, Stockbridge residents or Town government.
- c. Booking Agent, if any (such as a Realtor).
- d. Copy of Certificate of Registration with the Massachusetts Department of Revenue (DOR)
- e. Applicants shall attest under the penalties of perjury that a dwelling unit or bedroom offered for short-term rentals shall comply with all state and local requirements for health and safety and the Standards of Fitness for Human Habitation as stated in Massachusetts State Sanitary Code-Chapter II-105 CMR 410.000 by including at a minimum the following:
  - i. Compliance with residential smoke and CO detector law pursuant to M.G.L. c 148 s. 26F
  - ii. A fire extinguisher shall be mounted in (or near) kitchens used for the STR in a clearly visible location or if the unit offers no kitchen a fire extinguisher will be mounted in a location easily accessible to occupants.
- f. Indication of service by a septic system or municipal sewer;

- a. if served by a septic system:
  - i. number of bedrooms rated under permit
  - ii. A private wastewater system pumping record within the past three years must be on record in the Stockbridge Board of Health.
  - iii. A valid maintenance agreement on file if served by an Innovative/Alternative system.
- b. if served by municipal sewer:
  - i. number of bedrooms and bathrooms as indicated by the Assessor's tax card.
- j. Indication of service by a well or municipal water supply;
  - a. if served by a well:
    - i. specify if a flow meter is in place.
    - ii. Well water used for drinking or cooking (potable) purposes must be tested prior to initial registration and every subsequent 5 years for attachment to the registration form to ensure that it is safe to use for personal consumption.
- k. Number of off-street parking spaces provided.

## **2. Regulations:**

2.1 The following residential property is prohibited from being offered as a short-term rental:

- a. Residential property owned by a corporation (other than an LLC);
- b. residential premises designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law, may not engage in short term rentals;
- c. units that meet the definition of "Professionally Managed Units" under M.G.L. Chapter 64G, Section 1.

2.2 A short-term rental is not allowed on any property with outstanding violations of the Building Code, Fire Code, Board of Health, Town General Bylaws, Zoning Bylaws, Planning Board regulations, or Conservation Commission regulations.

2.3 A short-term rental is required to have a local manager or responsible party who will respond with two (2) hours to any problem or complaint and within 30 minutes in an emergency; failure to do so may result in imposed fines.

2.4 Off-street parking on the property adequate to house all guest occupant vehicles for overnight parking is required.

2.5 Events that include tents or amplified music or which would customarily require a license or permit are not allowed.

2.6 Occupancy is limited to total legal occupancy per dwelling; if total occupancy is exceeded, fines may be applied on a daily basis until brought into compliance.

2.7 **No advertising in any media shall exceed legal occupancy total**; non-compliance shall result in fines levied on a daily basis until brought into compliance.

2.8 No commercial trash receptacle such as a dumpster may be maintained on the property to be used for regular trash pickup; trash removal must be limited to regular, weekly (or more frequent as needed) residential trash removal services or regular weekly trips to the Town transfer station. Trash removal shall be the responsibility of the owner/operator.

2.9 STRs may be subject to inspection by Stockbridge Board of Health, Fire Department, and/or the Stockbridge Building Inspector.

2.9.1 Inspections may be scheduled in response to complaints by renters or by owners or tenants of neighboring properties. A complaint process shall be made available on the Town of Stockbridge website.

2.9.2 Failure to provide updated contact information will be a failure to comply with this bylaw and may result in the refusal to allow registration renewal if there is a failure to respond after a reasonable attempt is made to contact the Operator/Owner, Booking Agent or Trustee.

2.9.3 Failure to provide access to properties for inspection or failure to comply with orders to correct deficiencies may result in fines or in the refusal to allow registration renewal. Appeals of these penalties may be made within ten business days to the Stockbridge Board of Selectmen.

3. In the event that there are three or more violations within a twelve-month period, the right to renew registration may be denied by vote of the Board of Selectmen.

#### **4. Additional Requirements**

6.1 The maximum occupancy shall be set at one (1) more than twice the number of bedrooms (*e.g.*, five (5) for a two (2) bedroom unit). In addition to the dwelling's bedroom count as noted in the assessors' records, a space that meets the Title 5 definition of a bedroom may be used for occupants in the STR; provided, however, that in the case of STR properties serviced by a septic system, the maximum occupancy shall not exceed the capacity of the system. All septic systems must be Title 5 compliant and must be inspected and serviced as required by M.G.L. 310 CMR 15.000, with pumping at least once every three years. Evidence of Title 5 pumping within the past three years must be on file in the Stockbridge Board of Health and filed with the application for a permit.

6.2 A dwelling unit or bedroom offered for STR use shall comply with all standards and regulations promulgated by the Stockbridge Board of Health.

6.3 Commercial meetings and uses are prohibited in short-term rentals.

6.4 The Operator or booking agent of an STR shall keep either paper or electronic records that include the number of occupants present during each rental period. The records must be produced upon demand by the Stockbridge Board of Health, the Board of Selectmen, or either Board's designee and such records must be maintained for two (2) years after the date of the rental.

## **7. Marketing Information**

Each Town registration of a Short-Term Rental shall include a registration number. Any listing offering the STR for rent shall include the Town-issued registration number and the maximum occupancy allowed.

## **8. Adoption of Regulations**

The Board of Selectmen and the Board of Health may adopt and amend regulations in furtherance of the implementation of this bylaw.

## **9. Penalties**

If any Occupant, Operator or Owner violates any provision of this bylaw, the Owner or Operator may be subject to a civil penalty in accordance with the following:

- \$100 1<sup>st</sup> Offense
- \$200 2<sup>nd</sup> Offense
- \$300 3<sup>rd</sup> Offense – and each subsequent offense

Each day that a violation exists constitutes a separate offense.

Add to definitions in Section 2.2:

"Short-term rental", an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. Short-term rentals are rentals of 31 consecutive days or less duration.