

## **SHORT TERM RENTAL PROPERTY REGULATION:**

### **Purpose**

The purpose of this Regulation is to protect the health, safety, and welfare of occupants of short-term rental units and the public; to ensure that properties are being used in a manner that will not stress the towns water or sewer infrastructure or the properties septic infrastructure; and not negatively impact the quality of life in residential neighborhoods.

### **Legislative Intent and Authority**

This regulation is enacted under the authority of Massachusetts General Laws, Chapter 111, Section 31.

### **Definitions**

As used in this regulation, the following terms shall have the meanings indicated:

**BOARD OF HEALTH** - The Board of Health of the Town or its designees.

**DWELLING** - Any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, cottages, guesthouses, one-, two- or multiple-unit residential buildings/dwellings, except those licensed under any state or local laws or regulations other than those licensed under this chapter, (e.g., See definition of SHORT-TERM RENTAL in this section).

**OCCUPANCY** - The use or possession of or the right to use or possess a short-term rental.

**OCCUPANT (GUEST)** - Any individual, of any age, residing overnight in a short-term rental.

**OPERATOR (HOST)** - Any Person operating a short-term rental.

**OPERATOR'S AGENT** - A Person who, on behalf of an operator of a short-term rental: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent. An "operator's agent" shall include, but not be limited to, a property manager, property management company, or real estate agent.

**OWNER** - Any person whom alone or severally with others has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or other person appointed by the courts.

**SHORT TERM RENTAL** - A residential dwelling, or any bedroom within a dwelling, rented out using advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: hotels licensed under M.G.L. Chapter, 140, §6; motels licensed under M.G.L. Chapter 140, §32B; lodging establishments licensed under M.G.L. Chapter 140, §23.

### **SHORT TERM RENTAL Registration**

#### **A. Registration/Application Required**

No OWNER shall rent, or offer to rent, any SHORT-TERM RENTAL as that term is defined herein, prior to registering with the Board of Health and obtaining a **Registration Certificate**. No tenant or lessee of an OWNER shall let or sub-let a SHORT-TERM RENTAL under any circumstances. Any SHORT-TERM RENTAL required to be registered with the Commonwealth of Massachusetts pursuant

to the applicable provision of General Laws Chapter 64G shall also be required to register with the Board of Health under this Regulation.

The OWNER of the dwelling shall be required to provide a SHORT-TERM RENTAL registration application by February 28<sup>th</sup>, 2024, for the rental season beginning March 1,2024, the form and content of which shall be provided by the TOWN. The period of registration shall be for one calendar year expiring annually on February 28th of each year. Acceptance of a RENTAL registration application by Board of Health shall not be deemed a determination that the proposed SHORT-TERM RENTAL complies with the provisions of the Chatham Zoning Bylaw, Town and State Health Regulations or that the number of bedrooms listed in the registration application will be accepted by the Town.

**B. Compliance**

A dwelling used as a SHORT-TERM RENTAL shall be in compliance with the applicable provisions of all applicable state and local health and safety laws, ordinances, and regulations. Demonstration of compliance shall be in the form of a sworn affidavit submitted as part of the registration application.

**C. Registration Renewal**

SHORT TERM RENTAL registrations shall be renewed annually. All renewals shall require a new application and affidavit, to be submitted to the Board of Health with payment of the annual fee.

**D. Fees**

The fee for SHORT-TERM RENTAL registration or a renewal shall initially be \$50.00, which fee may thereafter be modified by the Board of Health after a public hearing.

**E. Non-Transferability**

SHORT TERM RENTAL registrations shall be granted solely to an OWNER and shall not be transferable or assigned to any other person, legal entity, or address. The registration shall be terminated upon sale or transfer of the property for which the registration has been issued.

**Publication of Registration Number**

The Town-issued registration certificate number shall be included on any listing offering the SHORT-TERM RENTAL for rent.

**Contact Information of OWNER, OPERATOR and/or OPERATOR'S AGENT**

A. An OWNER of a SHORT-TERM RENTAL shall provide the TOWN with his/her current residential address and telephone number as part of the application as well as an attestation that all person and entities with an ownership interest in the unit have been notified that a certificate of registration has been applied for.

B. If the OWNER is a corporation (including a Limited Liability Company (LLC)), the name, address, and telephone number of the president and legal representative of the corporation shall be provided. If the OWNER is a realty trust or partnership, the name, address, and telephone numbers of the managing trustee or partner shall be provided.

C. The name and contact information of the OPERATOR must be provided, along with the name and contact information of an OPERATOR'S AGENT, if different from the OPERATOR, who is able to respond to any emergencies that arise during occupancy within one (1) hour of contact by the TOWN's Health Division or Police or Fire Department to complaints regarding the condition or operation of the SHORT-TERM RENTAL. Contact information must include a telephone number that is available in 24 hours per day, 7 days a week to OCCUPANTS and the above-stated public safety agencies. This contact information shall be posted conspicuously within the rental unit.

### **Trash Removal**

The OPERATOR shall be responsible for ensuring that household trash is removed from the premises immediately after occupancy is concluded or once per week, whichever is more frequent.

### **Occupancy Requirements**

The maximum number of OCCUPANTS in a SHORT-TERM RENTAL shall be two (2) per bedroom (as defined by Board of Health Regulations) plus two (2) additional OCCUPANTS.

### **Parking**

Adequate on-site parking shall be provided, and occupants/guests will be made aware that, per town bylaw, there is no overnight street parking on public roads and no street parking, on public or private roads, that impedes traffic or traffic safety.

### **Inspections**

SHORT TERM RENTALS shall be subject to reasonable inspections and/or verification by the applicable agencies or departments of the Town.

### **Suspension, Modification or Revocation of Rental Certificate**

The Board of Health may suspend or revoke any Rental Certificate, after a hearing, in accordance with the procedures set forth in 105 CMR 410.830-410.860, for any violation of any provision of this regulation, the State Sanitary Code, or any other applicable General Law, regulation or by-law intended to protect public health, safety and/or the environment. The Board of Health may, in lieu of suspension or revocation, modify any Rental Certificate to impose additional conditions.

### **Penalties**

Violations of this regulation will be subject to the provisions of the Regulation of the Town of Chatham regarding non-criminal disposition, according to the Massachusetts General Laws, Chapter 40, Section 21D and the Town of Chatham By-laws.

Any owner found in violation of any provision of this Regulation may be punished by a fine of two hundred dollars (\$200.00) per day. Each day that the violation continues shall be considered a separate offense.

### **Severability**

If any portion, sentence, or clause is held invalid, the remainder of the regulation shall remain in full force and effect.

**Review**

The Board of Health shall conduct a comprehensive review of this regulation three (3) years from date of first registration period (March 1, 2024 – February 28, 2025 ).

**Effective Date: July 1, 2023**

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