

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

Purpose and Intent:

Pursuant to the authority of G.L. c.64G, the Town establishes these regulations to balance private, neighborhood, and municipal interests. These regulations are intended to:

1. Enable residents to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community.
2. Minimize public safety and health risks.
3. Deter commercial interests from buying housing to use primarily as short-term rental businesses.

Definitions:

For this Chapter, the following terms shall have the definitions indicated

Owner. Any person whom alone, or severally with others, has legal or equitable title or beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, a group of people, LLC or a Trust. The Owner may also be referred to as the Operator, or the Host.

Short-Term Rental. The rental of a whole or a portion of a residential or secondary dwelling unit, in exchange for payment, as residential accommodations for not more than thirty consecutive days, excluding a Hotel, Motel, or Lodging House or Tourist Home for Transient Guests as defined and permitted under the Zoning Bylaw.

Owner Occupied. _IS when the property owner remains onsite during the rental period.

Non-owner Occupied. Is when the property owner is not on-site during the rental period.

X.X.X Registration and Regulations

1. Registration – All short-term rentals must register annually with the Sandisfield Town Clerk.

A registration fee is 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, Sandisfield 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;

- 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 Sandisfield Board of Health.
- iii. A valid maintenance agreement on file if served by an Innovative/Alternative system.

j. Indication of service by a well;

- 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 year 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 taxes or 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 within 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 Trash removal shall be the responsibility of the owner/operator.

2.9 Short Term Rentals may be subject to inspection by Sandisfield Board of Health, Fire Department, and/or the Sandisfield Building Inspector. There

shall be an initial inspection upon registration by the Sandisfield Board of Health, Fire Department and the Sandisfield Building Inspector.

a. 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 Sandisfield website.

2. 10 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.

2.11 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 Sandisfield Board of Selectmen.

2.12 Only one non-owner occupied dwelling can be used as a STR per building lot.

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

4.1 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 Sandisfield Board of Health and filed with the application for a permit.

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

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

4.4 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 Sandisfield 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. No excessive noise between the hours of 10:00 p.m. and 8:00 a.m.

8. 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.

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 1st Offense
- \$200 2nd Offense
- \$300 3rd Offense – and each subsequent offense

Each day that a violation exists constitutes a separate offense.