

## Section 16 -- SHORT TERM RENTAL OF RESIDENTIAL PROPERTIES

### Purpose and Intent

Pursuant to the Town of Hinsdale's Home Rule Authority and the authority of M.G.L. c.64G ss14, the Town establishes this bylaw to balance private, neighborhood, and municipal interests related to Short-Term Rentals.

The purpose of this bylaw is to protect and promote the health , safety and well-being of Hinsdale 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 detrimental to the character and livability of the surrounding residential neighborhood by establishing a process through which short-term rental units shall be registered for such use and operated under the regulations set forth in this bylaw.

### Definitions

As used in this bylaw, the following terms shall have the definitions as indicated.

**Owner-** Any person operating a short term rental including, but not limited to, the owner or proprietor of such premises, the lessee, sub-lessee, mortgagee in possession, licensee or any other person otherwise operating the short term rental. It is the intent of this bylaw that "Owner" shall have a meaning consistent with Mass. General Law's c, 64G, ss1. The owner can also be referred to as the Operator, or the Host.

**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:

1. At least one room or unit is rented to an occupant; and
2. All accommodations are reserved in advance;

Rental periods with a change in occupancy in excess of thirty-one (31) days shall not be considered a short-term rental.

**Problem Property-**Any Short-Term Rental 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 a **citiable** offense committed by the short-term rental operator thereof or the short-term occupants therein; or where the Hinsdale Building Inspector and/or the Board of Health have received two (2) or more complaints within the preceding twelve (12)months.

## **Registration and Prohibitions**

1. No Short-Term Rental may be operated within the Town of Hinsdale without first having registered with the Town in accordance with this bylaw, regulations adopted hereunder, and registered with the Commonwealth of Massachusetts Department of Revenue in accordance with applicable laws.
2. An owner may register to operate only one dwelling unit as a Short-Term Rental. If a person (or legal entity) owns two properties, or owns one and is listed as a manager or agent for a second that is owned by an LLC, for example, that person (or legal entity) must designate which property is to be registered as a Short-Term Rental. No person shall have more than one legal or equitable title or beneficial interest in any dwelling unit used for a Short-Term Rental . An owner may hire a property management company to list and manage Short-Term Rentals, but the registration must be in the owner's name.
3. The registered Short-Term Rental may be rented for an unlimited number of days per year, provided that the Owner is residing in a dwelling unit on the premises at the time of the rental. In cases where the Owner is not residing on the premises at the time of the rental, no unit or portion thereof may be rented for more than 150 days per year.
4. Short-Term Rentals are prohibited in dwelling units owned by a corporation. Short-Term Rentals are permitted in dwelling units owned by an LLC or Trust only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.
5. Short-Term Rentals are prohibited in dwelling units 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 laws.
6. An Owner shall not register or offer a rental unit subject to a long term lease as a Short-Term Rental, nor shall a tenant offer his/her/their rental unit as a Short-Term Rental.

## **Requirements for Short-Term Rental Operations**

1. An Owner shall post in any Short-Term Rental unit the following information in a conspicuous place:
  - a. The Owners certificate of registration with the Town;
  - b. The Short-Term Rentals street address;
  - c. Contact information for the operator and an emergency contact;
  - d. Instructions for recycling and waste disposal;
  - e. Notice that dogs must be leashed when outdoors if not in a secure enclosure ;
  - f. Notice that no excessive noise shall occur after 10pm or before 8am.
2. Each unit shall contain properly located and functional smoke detectors, carbon monoxide alarms, a properly maintained and charged multi-purpose fire extinguisher and have a clearly visible sign indicating fire/police/medical emergency –dial 911.
3. A Short-Term Rental is not allowed on any property with outstanding violations of Building, Fire or Health codes, and /or Town By-Laws.

4. Events that include amplified music or tents which would customarily require a license or permit are prohibited.
5. Signs on the property advertising the Short-Term Rental are prohibited.
6. All Short-Term Rentals must satisfy the requirements set forth in the Massachusetts State Building Code.
7. Off street parking sufficient to accommodate all guest occupant vehicles for overnight parking is required.
8. Commercial meetings and uses are prohibited in Short-Term Rentals.
9. The operator or booking agent of a Short-Term Rental shall keep records that include the number of guests present during each rental period. Said records must be produced upon demand by the Hinsdale Select Board or its designee. Such records must be maintained for two years after the date of the rental.
10. Owners must verify pet vaccination status for renters with dogs.

### **Inspection**

Short-Term Rentals may be subject to inspection by the Hinsdale Building Inspector, Health Inspector or Fire Inspector upon reasonable notice via consent or administrative warrant , or without such notice in the event of an imminent threat to public health or safety. Failure to provide access to an inspector upon request and after proper notice will invalidate the registration to operate a Short-Term Rental until an inspection by the appropriate authority has been conducted, and all violations have been addressed to the satisfaction of the Department and/or Town.

Short-Term Rentals shall maintain compliance with all applicable federal, state and local laws, and shall have no outstanding building, electrical, plumbing, mechanical, fire, health, housing or zoning violations. Failure to timely correct shall be cause to suspend registration.

In the event that there are three (3) or more building or health code violations within a twelve (12) month period, or the Short-Term Rental meets the definition of a Problem Property, the Short-Term Rental registrations may be revoked or permanently denied by a vote of the Select Board.

### **Enforcement and Penalties**

1. Whoever violates any provision of this bylaw or a regulation promulgated hereunder may be penalized by indictment or complaint brought in the district court. The Town may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through other lawful means.
2. Whoever violates any provision of this bylaw or regulation promulgated hereunder may be penalized by a non-criminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D. If non-criminal disposition is elected, then any person who violates any provision of this bylaw or regulation shall be subject to a penalty according to the following schedule:

1<sup>st</sup> Offense - \$100

2<sup>nd</sup> Offense - \$200

3<sup>rd</sup> Offense - \$300 and each subsequent offense \$300

Each day or portion thereof that a violation exists shall constitute a separate offense. The imposition of a fine shall not be construed to prevent enforcement of any other bylaws, laws or regulations nor prevent other enforcement measures or fines, including civil or legal action.

3. If a notice of violation of this by law or any regulation promulgated hereunder or other order is issued to the Owner or the owner of the property or its designee, after a registration is issued the Select Board, after a hearing, may suspend or revoke said registration until the violation has been cured or otherwise resolved. Multiple violations by any Owner may, at the discretion of the Select Board and after a hearing, disqualify that Operator from obtaining a registration for a period of up to three (3) years.
4. In accordance with Mass. General Law, chapter 64G, ss14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this Bylaw or a regulation hereunder. Each day a violation continues shall be considered a separate offense.

### **Regulations**

The Select Board may create a registration application form, set fees, adopt rules and regulations, policies or procedures to implement and enforce the provisions of this bylaw. Such regulations may include but are not limited to requirements to ensure that the operation of the Short-Term Rental does not create or cause a nuisance to the surrounding neighborhood due to unreasonable noise, sanitary conditions, and other nuisance conditions.

Each application for registration shall include: (a) submission of a complete application and payment of all associated fees; (b) contact information for the Owner and any agent designated by the Owner to respond to any disturbance or emergencies associated with the Short-Term Rental; (c) the address of the unit to be registered; and (d) all organization members if owned by a legal entity.

### **Severability**

If any provision in this section shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions herein, which shall remain in full force and effect.

### **Effective Date**

The provisions of this "Short-Term Rental of Residential Properties" Bylaw shall take effect upon passage at an Annual Town Meeting and approval by the Massachusetts Attorney General's office pursuant to Mass. General Laws Chapter 40, ss21.