

(under SECTION 7.0 SPECIAL REGULATIONS)

## **7.20 SHORT-TERM RENTAL OF RESIDENTIAL PROPERTIES**

### **7.20.1 Purposes.**

Short-Term Rentals (STRs), as defined in this section, are allowed for residential properties in conformance with the following regulations. These regulations aim to:

1. Protect the long-term residential rental market and the entry-level homeownership market.
2. Support full-time residency in Great Barrington by enabling owners of primary residences to earn extra money from their primary residences to afford better to live here, maintain their properties, and contribute to the community.
3. Discourage real estate speculation.
4. Protect and maintain the residential character of existing neighborhoods.

### **7.20.2 Definitions.**

For the purposes of this section:

*Booking agent.* Any person or entity that facilitates reservations or collects payment for a short-term rental on behalf of or for an operator.

*Natural person.* A human being as distinguished from a person (as a corporation or LLC) created by operation of law.

*Operator.* A natural person who is the legal owner of the residential unit/room they seek to offer as a short-term rental. Only one owner may be an operator for a residential unit/room. The operator must meet the qualifications of a primary resident to offer a residential unit/room for short-term rental.

*Primary residence.* The dwelling where the operator resides for at least six months out of a 12-month period, not merely for a special or limited purpose, but with a present intention of making it their true, fixed, permanent home and principal establishment. A person can only have one primary residence at any given time. Upon request from the Town, a primary residence is demonstrated by three of the following five documents: Motor vehicle registration; Federal income tax return; Driver's license; Voter registration; Other state-issued identification.

*Primary resident.* A natural person who is the legal owner of a primary residence that they seek to offer as a short-term rental and has resided in the primary residence for six of the past 12 months before promoting the property's availability containing a short-term rental unit/room. The natural person must meet the qualifications of primary resident as demonstrated by three of the following five documents:

Motor vehicle registration; Federal income tax return; Driver's license; Voter registration; Other state-issued identification.

*Short-term rental(s):* An occupied property that is not a hotel, motel, lodging house, or bed and breakfast establishment, where at least one room or unit is rented out by an operator through the use of reservations for a period of fewer than 30 consecutive calendar days for a fee. Only a primary residence or a unit/room in a primary residence or a secondary unit on the same tax parcel as the primary residence can be operated as a short-term rental. A short-term rental may or may not be facilitated through a booking agent.

*Secondary unit:* An additional, self-contained dwelling located on the same tax parcel as the operator's primary residence (Also known as an in-law unit, accessory dwelling unit, or ADU). The primary resident may rent a secondary unit as a short-term rental. However, only one structure per parcel is allowed to be used at a time for short-term rental use.

### **7.20.3 Short-term residential rentals in Great Barrington.**

No residential unit/room shall be offered as a Short-Term Rental except in compliance with the provisions of this section and any regulations that the health agent or building inspector may promulgate to carry out the provisions of this section.

### **7.20.4 Ineligible residential units/rooms.**

1. The following residential units/rooms are not eligible to be offered as short-term rentals:
  - a. Residential units/rooms not located within the Operator's Primary Residence or on the same tax parcel as the Operator's Primary Residence.
  - b. Any residential property in violation of the Building Code, Fire Code, Sanitary Code, or Town General Bylaws.
  - c. Residential units/rooms 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.

### **7.20.5 Requirements and limitations.**

1. Operators may not rent simultaneously to more than one party under separate contracts. If multiple rooms are available, or if more than one dwelling unit exists on a single parcel, they must be rented together by the same party or be rented one at a time with no overlap between rentals.
2. Parking for Short-Term Rentals must be on-site.
3. Short-Term Rentals involving tents, amplified music, or typically requiring an entertainment license from the Town are not allowed.
4. Occupancy within a Short-Term Rental shall be limited to ten guests, or two guests per guest bedroom, whichever is fewer.
5. In multifamily homes, the Primary Resident of each unit may operate a Short Term Rental since each unit in a multifamily home is a separate Primary Residence. However, a person who resides

in one multifamily unit may not operate a Short Term Rental in another unit because that unit is not their Primary Residence.

6. Operators shall provide all Short-Term Renters with applicable trash, noise, parking, and other local regulations. When the Operator is not present, the Operator shall also provide Short-Term Renters with the contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period, whether from renters, neighbors, or municipal authorities.

**7.20.6 Enforcement.** *(Seeking legal opinion - this section will be flushed out more)*

1. Any person who offers a residential unit/room as a Short-Term Rental, or any Booking Agent who accepts a fee for booking a unit/room as a Short-Term Rental, where such unit/room is not eligible, shall be fined One Thousand Dollars (\$1,000) per violation. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.
2. The provisions of this section may also be enforced, if applicable, by the Town seeking an injunction from a court of competent jurisdiction prohibiting the offering of the Short-Term Rental.
3. Nothing herein shall be construed to preclude the Town from seeking any additional penalties or taking any additional enforcement action as allowed for by law.

**7.20.7 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, which shall remain in full force and effect.