

SHORT-TERM RENTAL OF RESIDENTIAL PROPERTIES

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 will:

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.

Commented [R1]: Discussion of what “commercial interests” means. Come to a clear understanding.

Definitions.

Owner. Any person who alone, or severally with others, has legal or beneficial interest in any dwelling unit. An Owner can be a single person, a marital unit, a group of people, or an LLC or Trust.

Resident-Owner. Any Owner who resides greater than 183 days, in the aggregate, in the Town of Great Barrington.

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.

General Requirements For Short-Term Rentals:

1. Each unit shall post the following information in a conspicuous place: Short-Term Rental street address, instructions for recycling and waste disposal, local noise and leash ordinances, and contact information for a locally available contact.
2. Each unit shall contain functional smoke detectors, carbon monoxide alarms, and a properly maintained and charged multi-purpose fire extinguisher.
3. A Short-Term Rental is not allowed on any property with outstanding violations of Building, Fire, Health codes, and/or Town Bylaws.
4. An Owner shall expressly prohibit tenants from offering all or part of the dwelling unit for Short-Term Rental use.
5. Dwelling units owned by a corporation and offered as Short-Term Rentals are prohibited.
6. Short-Term Rentals are permitted in dwelling units owned by an LLC or Trust when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant.
7. 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 law. REVIEW WITH COUNSEL
8. Events that include amplified music or tents which would customarily require a license or permit are prohibited.
9. Signs advertising the Short-Term Rental are prohibited on the property.

Commented [R2]: Re-word so renters are respectful, no need to post the entire ordinance or have a decibel meter

Short-Term Rental of Rooms and Secondary Units.

Up to two bedrooms in a dwelling unit or a secondary unit on the same parcel may be rented year-round by right, provided that the Resident-Owner is occupying the dwelling unit at the time of the rental.

Short-Term Rental of Entire Dwelling Units.

An entire dwelling unit may be rented up to 90 days per calendar year by right.

Inspection.

Short Term Rentals may be subject to inspection by the Great Barrington [Board of Health Department](#), Fire Department, and/or the Building Inspector.

Short Term Rental Owners are required to provide access for the purpose of conducting safety inspections when necessary. Failure to provide access to an inspector upon request and after proper notice will invalidate the license 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 the Town. Failure to comply with orders to correct deficiencies may result in fines or refusal to allow license renewal.

Owners can appeal a written violation within 21 days of notice in accordance with M. G. L. Ch. 40 § 21D.

In the event that there are three or more violations within a twelve-month period, the right to renew a Short-Term Rental License may be denied by a vote of the Selectboard.

Registration.

By obtaining a Short-Term Rental license, a Resident-Owner can offer two separate entire dwelling units for Short-Term Rental use, providing one of the dwelling units is their primary residence. A non-resident or part-year resident can offer only one dwelling unit for Short-Term Rental use. All Owners shall register annually with the Selectboard to receive a Short-Term Rental License. A formatted application approved by the Selectboard will be available. Upon approval of an application, the applicant will be given a registration number to be displayed in all listings and at the Short-Term Rental property. An Owner may hire a property management company to list and manage Short-Term Rentals, provided the license is in the Owner's name. A married couple may have only one license. The licensing process requires an Owner to include the addresses of unit(s) to their license and list the names of all organization members if owned by a legal entity.

Commented [R3]: Notes: This distinguishes between second home and primary homes. Should be up in the regulations section. NB: the 90 days applies to either/all(?) STR is not banned in either case, just limited to 90 days.

Adoption of Regulations.

The Selectboard may adopt and amend regulations in furtherance of the implementation of this bylaw.

Penalties.

If any Owner violates any provision of this bylaw, the Owner may be subject to a civil penalty in accordance with M. G. L. Ch. 40 § 21D, with the following: DISCUSSION OF HOW MANY DAYS TO CURE A VIOLATION. [IF A VIOLATION WHAT HAPPENS TO CURRENT OR PENDING BOOKINGS?]

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

Each day that a violation exists constitutes a separate offense.

Effective Date. The provisions of this Bylaw “Short-Term Rental of Residential Properties” shall take effect on January 1, 2023.
