

## SUMMARY

**TITLE:** ARTICLE 25: “BYLAW GOVERNING SHORT TERM RENTALS”

Article 25 is proposed by the Selectboard to regulate short-term rentals in Great Barrington.

**PURPOSE AND INTENT:**

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.

**DEFINITION:** A short-term rental (STR) is a rental that is 30 days or less.

- This proposed bylaw does not affect seasonal rentals of 31 days or more.
- Stays in permitted hotels, motels, lodging houses, and tourist homes for transient guests are excluded from this proposed law.

**KEY ITEMS TO HIGHLIGHT:**

- STRs can be primary or secondary unit
- Unlimited days if owner on premises; Up to two bedrooms or an entire second unit on property permitted by right
- 150 day limit if owner not on premises
- Owner may have only one STR in Great Barrington
- Registration required
- STRs may be subject to inspection
- No corporations-LLCs OK
- LLC details required at registration.

**RECOMMENDED:** The Selectboard voted to recommend this proposal to Town Meeting on May 23, 2022.

**ARTICLE 25: ADOPT BYLAW GOVERNING SHORT TERM RENTALS**

To see if the Town will vote to adopt a Short-Term Rental bylaw as set forth below, and to authorize the Town Clerk to assign chapter and section numbers for the bylaw within the Town Code, or take any other action relative thereto.

**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 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.

**Regulations.**

No dwelling unit or part thereof may be offered as a Short-Term Rental within the Town of Great Barrington unless it is registered annually with the Town through an application process approved by the Selectboard and in accordance with this Chapter, and registered with the Commonwealth of Massachusetts Department of Revenue in accordance with applicable laws.

An Owner may register to operate only one dwelling unit as a Short-Term Rental. If a person 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 must choose one or the other 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 except as provided for above. 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.

Up to two bedrooms in a dwelling unit or an entire secondary unit on the same parcel may be registered and rented as a Short-Term Rental by right. The registered Short-Term Rental may be rented for an unlimited number of days per year, provided that the Owner is residing in one of the dwelling units on premises at the time of the rental. In cases where the Owner is not residing on premises at the time of the

rental, no unit or portion thereof may be rented more than 150 days per year.

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.

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.

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 Owner's certificate of registration with the Town;
  - b. Short-Term Rental street address;
  - c. Contact information for the Operator and whom to call in an emergency;
  - d. Instructions for recycling and waste disposal;
  - e. Notice that dogs must be leashed when outdoors if not in a securely fenced enclosure;
  - f. Notice that no excessive noise shall occur after 8:00 PM or earlier than 8:00 AM.
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. 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.

**Inspection.**

Short-Term Rentals may be subject to inspection by the Great Barrington 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, Short-Term Rental Registrations may be revoked and permanently denied by a vote of the Selectboard.

**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:

\$100 1st Offense

\$200 2nd Offense

\$300 3rd Offense and each subsequent offense

Each day that a violation exists constitutes a separate offense.

**Selectboard Authority.** The Selectboard shall have the authority to create a registration application form, set registration fees, and adopt rules, regulations, policies or procedures to implement the provisions of this Chapter. The registration process shall require an Owner to include the address of the unit to be registered, to list the names of all organization members if owned by a legal entity, and to provide verifiable documentation of the owners or members of that 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, which shall remain in full force and effect.

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