

Short Term Rentals General and Zoning Bylaws

South Hadley Planning Board

Public Hearing

February 6, 2023



Why Now?

March 2019 - “An Act Regulating and Insuring Short Term Rentals” effective in Massachusetts

Amends MGL c.64G to regulate short term rental industry in Massachusetts - requires STRs register with the State and are subject to excise tax

Massachusetts Towns and Cities begin adopting bylaws to regulate STRs

South Hadley Inspection Services/Building Department began research to identify STRs; Zoning Bylaw silent on the use therefore making it a prohibited use

April 2022 – Building Commissioner issues cease and desist orders on 12 STRs

2 of 12 receive Special Permits for Bed and Breakfast Home Facilities; other 10 not eligible/don't meet the standards or don't apply

Why Now?

Planning Board conducted 5 posted meetings to develop draft bylaws on 8/29/22, 9/19/22, 10/3/22, 10/17/22 & 11/7/22

Coordination between Public Health Director, Building Commissioner and Planning Director to identify process for Rental Registry and Short Term Rental License

Review bylaws and regulation processes in other communities

Review research and guidance publications from Franklin Regional Council of Governments and American Planning Association

Receive General Bylaw template from Town Counsel

Short Term Rentals

GENERAL Bylaw versus ZONING Bylaw

Zoning Bylaw

Regulates the use in a designated area

General Bylaw

Supplement the terms of the zoning bylaw but may not contradict or restrict the use that is controlled by the zoning bylaw

Regulations that generally apply townwide irrespective of zoning

Establishes licensing and registration process

Zoning Bylaw DRAFT

Chapter 255-XXX

A. Purpose and Intent

1. Compatibility with social, cultural and physical neighborhood characteristics
2. Protect residential neighborhood quality of life
3. Allow residents to generate revenue from their properties while avoiding possible adverse effects

B. Special Permit Granting Authority – Planning Board

C. Definition

A short term rental is defined as all or part of a legally established Dwelling Unit for no more than 28 consecutive days or less, including home sharing and vacation rentals.

Zoning Bylaw

DRAFT

D. Application Requirements

1. Plan requirements
 - A. Parcel boundaries
 - B. All structures and that proposed for STR
 - C. Location and description of parking
 - D. Floor plan of dwelling and STR
2. Description of rooms in dwelling unit, whether they will be rented, and maximum # of overnight guests allowed
3. Contact info for owner-occupant
4. Trash collection description
5. Snow removal description

Zoning Bylaw DRAFT

E. General Criteria and Standards

1. Applicant must be the owner-occupant
2. Must be legal dwelling unit
3. Tax parcel must be dimensionally compliant
4. Must be current on all local taxes and fees
5. Affordable housing deed restricted units not eligible
6. Owner-Occupied – Must reside on property during rental period
7. Non-owner Occupied –
 - A. Owner-occupant must be license applicant
 - B. Does not reside on property during rental period but assumes all responsibility for operation and maintenance

Zoning Bylaw DRAFT

F. Conditions and Restrictions

1. Compliance with all building and fire codes
2. Adequate onsite parking
3. No exterior signage
4. No exterior storage of materials, equipment, supplies
5. Business License from Town Clerk required
6. Lodging Permit from Board of Health required
7. Annual License from Building Commissioner
8. Planning Board may waive requirements
9. Building Commissioner may adopt regulations to administer bylaw
10. 1 STR per tax parcel
11. Special Permit expires with lapse or revocation of annual License; Special Permits non-transferable

Zoning Use Regulations Schedule **DRAFT**

Use Classification	Zoning Districts											
	Residence				AGR	Business				Industrial		
	A-1	A-2	B	C		A-1	A	B	C	A	B	Garden
Bed-and-Breakfasts	SP	SP	N	N	SP	N	N	N	N	N	N	N
Home Occupation I	Y	Y	Y	N	Y	N	Y	Y	N	N	N	N
Home Occupation II	SPR	SPR	SPR	N	SPR	N	SPR	SPR	N	N	N	N
Motels-Hotels	N	N	N	N	N	N	N	N	SP	N	SP	N
PROPOSED Short Term Rental – Owner Occupied	SPR	SPR	SPR	SPR	SPR	Y	Y	Y	Y	N	N	N
PROPOSED Short Term Rental – Non-Owner Occupied	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	N	N

SP = Special Permit
 SPR = Site Plan Review
 Y = Allowed by-right
 N = Prohibited

General Bylaw DRAFT

General Bylaw – Chapter 136 – Residential Short Term Rental Units

136-1 Purpose

- A. Protect health, safety and welfare of tenants and citizens
- B. Ensure safety and sanitary conditions of rental housing stock
- C. Provide guidelines for operations of short term rentals for tenants, owners, landlords, and neighbors
- D. Establish requirements for use, maintenance, and parking
- E. Awareness and responsibility for occupancy limits
- F. Stabilize, protect and enhance characteristics and quality of life in existing residential neighborhoods

136-2 Registration and License Required

A Short-Term Rental License must be issued by the Building Commissioner

General Bylaw

DRAFT

136-3 Enabling Legislation & Regulations

Short term rentals must comply with all:

Local bylaws and regulations

State laws

Health, building and fire codes

Inspections and enforcements taken under this bylaw are authorized under such laws and regulations

136-4 Applicability & Exemptions

The following are NOT eligible for Short Term Rental Licenses:

- A. Hotels, motels, inns, hostels or bed and breakfast facilities
- B. Halfway Houses and Group Homes
- C. Pending sale of Dwelling Unit

General Bylaw DRAFT

136-5 Definitions

Affordable Housing Unit
Code Official
Dwelling Unit
Emergency
Owner
Owner-Occupant(s)
Person
Principle Residence
Short Term Rental

Note – These definitions are the same for the STR Zoning Bylaw and will need to be added to Chapter 255-10 via amendment at Town Meeting under a separate Warrant Article.

General Bylaw

DRAFT

136-6 Conditions

- A. Only spaces intended for human habitation can be STR – not sheds or garages, for example.
- B. Only legal Dwelling Units may be STR – not campers, RVs, tents, yurts, or other temporary or mobile structure
- C. No exterior signs or displays for advertising
- D. All advertisements must include license # issued by Town
- E. Only Owner-Occupants may offer for rent part of their Principle Residence

General Bylaw

DRAFT

136-6 Conditions

E. Only Owner-Occupants may offer for rent part of their Principle Residence

1. Owner Occupied

- a. Owner-occupant or their representative must reside on the property during the rental
- b. If multiple owners, one of them must reside on property during rental
- c. If a business entity is owner, a designated owner representative must permanently reside on the property in an ongoing basis

2. Non-owner Occupied

- a. The owner-occupant must be the license applicant
- b. The owner-occupant does not reside on the property during the rental but assumes all responsibilities
- c. If property owned by a business, a designated owner representative must be identified with contact information

General Bylaw

DRAFT

136-6 Conditions

- F. Licensees must maintain liability insurance
- G. Rental to one party or group at a time; individual rooms may not be rented separately
- H. Number of bedrooms in rental may not be greater than lawfully permitted in Dwelling Unit
- I. Renting for less than 24 hours is prohibited
- J. Commercial meetings are prohibited
- K. Affordable housing units are not eligible for license

General Bylaw

DRAFT

136-7 Licensing

- A. Application Process and Requirements
- B. Renewal – License valid for 1 year (7/1-6/30)
- C. License Posted – Must be posted on rental premises
- D. Transferability – NOT transferable upon change of ownership
- E. Limits on Number of Licenses

Total of 25 active licensed units at any one time

No more than 5 of those licenses shall be non-owner occupied

General Bylaw

DRAFT

136-8 Inspections & Complaints

A. Self-Certification Program

- Owners shall certify their compliance *annually* using a Self-Certification Checklist
- Code Official may conduct inspection to verify in response to a complaint

B. Complaints & Response Process

- Complaint Received
- Code Official conducts inspection
- Licensee shall make rental property available for inspection within 24 hours of request by official

General Bylaw

DRAFT

136-9 Tenant Information

Owner is required to distribute to tenants, or maintain documents on the premises for the following:

- Instructions for rash disposal
- Emergency exit diagram
- Contact info for the owner or Agent
- Copy of STR License

136-10 Records

Accurate records must be kept and made available to the Town upon request for three years from date of transaction.

136-11 Occupancy Limits

Maximum number of adult occupants shall be determined by State standards for fitness and habitation, State Building Code and fire regulations.

General Bylaw

DRAFT

136-12 Parking

Parking Site Plan required

Site Plan will be reviewed by the Building Commissioner, in consultation with Fire Chief, for zoning compliance and public safety

136-13 Fees

Selectboard or designee may set license fees

General Bylaw

DRAFT

136-14 Enforcement

A. Enforcement Personnel – Building Commissioner and Code Officials

B. Enforcement Options – MGL c.40 sec. 21D

License may be modified, suspended or revoked

C. Fines - \$100 per day

D. Suspension – Building Commissioner may suspend a license for the following:

Knowingly or assisted in allowing violations

Owner or Agent refuses or neglects compliance

1st offense – 90 days

2nd offense w/in 12 months – 180 days

3rd offense w/in 12 months – 3 years

E. Immediate Suspension – Due to Building condemnation or deemed unsafe for health, building or fire code reasons

F. Owner Responsibility – Owner responsible for all violations.

General Bylaw

DRAFT

136-15 Appeals

Filed with Selectboard w/in 14 days of decision or enforcement action
Heard within 30 days