

**Planning Board Report on Proposed Residential Short-Term Rental Units GENERAL Bylaw
May 10, 2023 Annual Town Meeting
Article 20**

ARTICLE 20. To see if the Town will vote to create a General Bylaw to allow for registration and licensing of Residential Short-Term Rental Units, as further articulated in the Planning Board's Report to Town Meeting (APPENDIX B), or take any other action relative thereto.

The proposed General Bylaw is as follows:

Chapter 136 – Residential Short-Term Rental Units

§ 136-1 Purpose.

This bylaw is adopted in accordance with the Town of South Hadley's Home Rule Authority, in furtherance of the following public purposes:

- A. To protect the health, safety, and welfare of tenants and other citizens of the Town of South Hadley by monitoring and enhancing compliance with basic life safety and sanitary codes through the registration and licensing of residential Short-Term Rental Units.
- B. To ensure safe and sanitary conditions in South Hadley's rental housing stock.
- C. To provide clear and accessible guidelines for the operation of residential Short-Term Rental Units for tenants, owners, landlords, and neighbors, and to extend awareness of related Town bylaws and health regulations related to operation of a rental property and those regulations related to noise, alcohol and nuisance behaviors.
- D. To establish and expand awareness of the requirements for use and maintenance of rental housing exteriors and grounds, including parking requirements.
- E. To ensure awareness of and responsibility for occupancy limits in rental units on the part of property owners, managers, tenants, and neighbors.
- F. To help to stabilize, protect, and enhance the essential characteristics of and quality of life within existing residential neighborhoods for all residents.

§ 136-2 Registration & License Required.

Except as provided in § 136-4 below, no person, firm, trust, partnership, corporation or other legal entity may rent, or offer to rent, to individuals or households any Short-Term Rental Unit without a license issued by the Building Commissioner.

§ 136-3 Enabling Legislation & Regulations.

All Short-Term Rental Units regulated hereunder shall comply with all applicable local bylaws and regulations, as well as all state laws and health, building and fire codes. All inspections, enforcement, and other actions taken under these regulations are authorized under those applicable local and state laws and regulations, as amended.

§ 136-4 Applicability & Exemptions.

Licenses shall be required of all residential properties containing Short-Term Rental Units, or offered for that purpose, except for the following:

- A. Lodging Facilities. Hotels, motels, inns, hostels, or bed and breakfast facilities.
- B. Halfway Houses & Group Homes. Residential facilities authorized and operated under state and federal law, congregate or similar group housing for the elderly or disabled, half-way houses for persons with substance abuse problems, congregate living arrangements for persons with disabilities, or other similar housing facilities operated under license by the Commonwealth of Massachusetts.

§ 136-5 Definitions.

Under these regulations, the following terms have the meanings indicated:

AFFORDABLE HOUSING UNIT

Dwelling units restricted to rental or purchase by households with an annual income no greater than 80% of the median income for South Hadley, as calculated by the U.S. Department of Housing and Urban Development or any successor agency, adjusted for family size. Such units must be countable under MGL c. 40B as part of the Town's subsidized housing inventory.

CODE OFFICIAL

The Building Commissioner/Zoning Enforcement Officer of the Town of South Hadley, the Health Director, the Police Chief, Fire Chief, or their designees and/or any of the inspectors or officers authorized to enforce the law, regulations and codes listed under Section 3 of this bylaw. The specific Code Official in each instance will be the official duly designated under the relevant statute, bylaw, or regulation.

DWELLING UNIT

The room or group of rooms within a dwelling used or intended for use by one family, or household for living, sleeping, cooking and eating. Dwelling unit shall also mean a condominium unit.

EMERGENCY

Events or conditions involving natural disasters, fire, or other threats to the health and safety of the residents of a rental property.

OWNER

Every person who alone or jointly or severally with others: (1) has legal title to any building, structure, or property subject to this bylaw, or; (2) has care, charge, or control of any such building, structure, or property in any capacity including but not limited to agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or (3) is a lessor under written

agreement; or (4) is the mortgagee in possession; or (5) is the recognized agent, trustee or other person with care, charge, or control appointed by the courts.

OWNER-OCCUPANT(S)

One or more natural persons who, in their individual capacity as distinct from any representative capacity, own(s) a whole or undivided interest in fee simple of certain real property and at least one of whom occupies a dwelling unit thereon as his or her principal residence (see definition).

PERSON

An individual, corporation, trust, partnership (including general partnership, limited partnership, and limited liability partnership), and a limited liability company. In addition, any similar entity licensed by law to hold title to real estate shall for the purpose of this by-law be deemed a "person."

PRINCIPAL RESIDENCE

The primary residence of an individual, family (as defined in the Zoning Bylaw), or property owner, i.e., the home where an owner, and the owner's family if applicable, resides as their primary dwelling; provided however, that no person shall hold concurrent rights in more than one (1) principal residence, as set forth under MGL Ch. 188, Section 1, as amended. Regular or periodic interruptions in residency shall not be considered to change the status of principal residency where such interruptions are the result of illness, catastrophe, professional or academic scheduling, or other temporary reasons for absence which do not affect basic indices of residency. For the purposes of this Bylaw, principal residency shall be determined by the Code Official based upon a preponderance of evidence, including but not limited to the following indicia of residency and address, as applicable: declaration of homestead, filing of state and federal income taxes, voter registration, annual street list, driver's license, motor vehicle registration, mortgage, mailing address, and telephone listing (if any).

SHORT TERM RENTAL

Any rental of all or part of a Dwelling Unit for 28 consecutive days or less, including home-sharing and vacation rentals.

§ 136-6 Conditions

Licenses for Short-Term Rental use are conditioned upon the following:

- A.** Only spaces intended for human habitation may be offered for rent as Short-Term Rentals. For example, the applicant cannot offer for rent an accessory structure such as a shed or garage.
- B.** Only legally established Dwelling Units may be offered for rent as Short-Term Rentals. Structures including but not limited to campers, mobile homes, RVs, tents/tent platforms, yurts, and any other temporary structure or mobile vehicle do not qualify as Dwelling Units for the purpose of short term rental lodging.
- C.** Short-Term Rentals may not be advertised using any exterior signs or displays.

- D. All Short-Term Rental advertisements must include the license number issued by the Town.
- E. Only Owner-Occupants may offer all or part of their Principal Residence as a Short-Term Rental.

- 1. Owner Occupied

- a. The owner-occupant or their representative must reside on the property during the rental period to satisfy the owner occupancy requirement.
- b. In the event the property is owned by multiple persons, related or unrelated, only one of the persons having an ownership interest in the property must reside on the property to be owner-occupied.
- c. In the event the property is owned by a business entity, a designated owner representative must reside on the property in a permanent or ongoing basis to carry out the functions as if they were the owner of the property.

- 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 period, however they assume all responsibility for the operation and maintenance of the property, including but not limited to any complaints as herein defined.
- c. In the event the property is owned by a business entity, a designated owner representative must be identified including their name and contact information.

- F. Licensees shall maintain liability insurance appropriate to cover Short-Term Rental use.
- G. Short-Term Rentals may only be rented to one party or group at a time, individual rooms may not be rented to separate, unrelated parties or groups at the same time.
- H. The number of individual bedrooms made available for Short-Term Rentals within a Dwelling Unit shall not be greater than the number of lawful bedrooms in the Dwelling Unit.
- I. Renting for less than Twenty-Four (24) hours is prohibited.
- J. Commercial meetings and uses are prohibited.

§ 136-7 Licensing.

A. Application Process and Requirements.

License applications shall be made on forms approved by the Town, and shall provide such information as the Building Commissioner shall deem reasonable and appropriate. Completed applications shall be submitted to the appropriate Building Department. Complete license applications shall be reviewed, and licenses shall be issued within fourteen (14) working days from the date of submission. A license application shall identify the total number of rental units on the property.

Information required as part of a license application shall include:

- (1)** Contact Information. Name(s) and current contact information, including but not limited to mailing address, telephone number and email address, for all owners, or agent of the owner, and person who can be contacted 24 hours a day/ 7 days a week in case of Emergency.
- (2)** A list of each room, including bedrooms, offices, dens, living rooms, kitchen, sunroom, in the Dwelling Unit. The list shall include for each room: (i) whether or not the room will be rented; (ii) the maximum number of overnight guests that will be allowed.
- (3)** An affidavit certifying that the Owner will comply with all of the provisions of the Residential Short-Term Rental Property Bylaw.
- (4)** Compliance Through Self-Certification. Evidence of current compliance with all applicable local zoning and regulations, as well as state health, fire and building codes, shall be provided through submission of an Owner's Self-Inspection and Certification Checklist provided by the Town.
- (5)** Complete & Accurate Information Required. No incomplete application will be accepted. It shall be a violation of this Bylaw for anyone to knowingly provide false or misleading information on an application, and may constitute grounds for fines and other penalties hereunder.
- (6)** Certification by the Applicant that the Applicant is the Owner Occupant of the Principal Residence which is the subject matter of the Application.
- (7)** Applicant shall provide certification that there are no deed restrictions on the property and if there are, that short term rentals do not violate said restrictions. Applicant must provide a copy of any restrictions.

B. Renewal.

Licenses shall be valid for a period to begin on July 1 and shall end on June 30, regardless of when a license is applied for or approved and issued. Completed applications for license renewals shall be submitted and received by June 15th of each calendar year.

C. License Posted.

A license shall be conspicuously posted and maintained within the premises in a common area or area as is necessary to be visible to tenants and inspectors.

D. Transferability.

Licenses shall not be transferable upon a change of ownership.

E. Limits on Number of Licenses.

i. Total Number

Limits on the total number of licenses shall be twenty-five (25) total active units or less at any one time. Of the total number of active units, no more than five (5) shall be non-owner occupied.

ii. Per Owner Limit

Only one (1) short term rental license is allowed per owner in total.

§ 136-8 Inspections & Complaints.

- A. Self-Certification Program. Owners of Short-Term Rental property governed by this bylaw shall self-inspect and certify their properties as required under this section. Nothing in the Self-Certification program shall limit the Town’s authority or the authority and/or discretion of the Code Official to investigate and inspect a property in response to a complaint or for other good cause, or to compel abatement of any violation under this bylaw in a manner consistent with or required by the laws of the Commonwealth.

Owner Self-Inspection & Certification. Unless inspected by local, state or federal government officials, an owner or local agent shall conduct an annual inspection of the property, using a Self-Certification Checklist provided by the Town. The owner or agent shall sign the Checklist indicating, that the information contained therein is complete and accurate as of the date of said annual inspection, and shall submit the Checklist and any required materials along with the application for annual renewal of the license for the property in question. Any false statements or information provided on the Checklist shall constitute a violation of this bylaw for which the Owner shall be responsible.

- B. Complaints & Response Process.

Upon receipt of a complaint or notice of a complaint from any person alleging that the condition, operation, or use of a rental unit or property is in violation of any law or State or local requirement, including but not limited to South Hadley General Bylaw Chapter 179 Nuisances, or of any violation of this Bylaw, an inspection of a premises shall be undertaken within a reasonable amount of time in accordance with the code official’s duties and responsibilities. Subject to the above limitation, all rental units are subject to inspection upon complaint or request by a tenant. Issuance of a license to an owner does not preclude tenants’ right to file a complaint with the Town, to which the Town must respond with an inspection in compliance with the provisions of state law and regulations.

The licensee shall make a good faith effort to arrange access by authorized Town personnel to any licensed rental property for the purpose of conducting inspections within twenty-four (24) hours of receiving a request.

§ 136-9 Tenant Information.

The Owner shall be required to distribute to tenants, or maintain documents on the premises for use by the tenants, the following information: (1) instructions for disposal of trash/waste per the Town’s rules and regulations; (2) an emergency-exit diagram; (3) contact information for the Owner or Agent who is available to respond to all emergencies and problems which may arise during the rental period; (4) a copy of the Short Term Rental license issued by the Town of South Hadley; and, (5) a copy of South Hadley General Bylaw Chapter 179 Nuisances.

§ 136-10 Records.

The Licensee shall keep accurate books and records of all rentals, including the name and address of the tenant based on a legal form of identification, the length of stay and the rent charged. Said records

must be made available to the Town upon request and shall be retained for a period of three years from the date of the transaction.

§ 136-11 Occupancy Limits.

The maximum number of adult persons who may occupy a dwelling unit shall be determined by State standards for fitness for habitation, the State Building Code and fire regulations.

§ 136-12 Parking.

All existing parking and any new or expanded parking on residential rental properties within the Town of South Hadley shall comply with the South Hadley Zoning Bylaw.

A. Parking Site Plan. A Basic Parking Site Plan, as described below, meeting the requirements of this section shall be developed and submitted as part of any license application. Submission of an existing site plan approved under a land use (zoning) license and which accurately represents current on-site parking shall meet the requirements of this section.

(1) Basic Parking Site Plan Requirements. The parking site plan shall be drawn to scale (1"=20' preferred), as appropriate to the site. Except as may otherwise be required by the Code Official or under the provisions of South Hadley's Zoning Bylaw, Town of South Hadley GIS mapping, available through the Town of South Hadley website, may be used as the base for a site plan developed under this section.

(2) The Basic Parking Site Plan shall accurately depict the area within which parking is proposed, including:

- i. Property boundaries
- ii. Existing driveways and pedestrian walks
- iii. Dwellings and structures
- iv. All existing and proposed on-site parking spaces
- v. Existing and proposed landscaped areas
- vi. Fencing or other barriers or screening
- vii. Site features such as trees over 12 inches in diameter (as measured five feet above grade), bedrock outcroppings, steep slopes, and such other site features as may affect parking locations.
- viii. Location for winter snow storage

(3) Any provision of this section with regard to Basic Parking Site Plan Requirements may be waived or modified by the Building Commissioner.

(4) Review. Existing on-site parking and circulation shall be reviewed by Building Commissioner for conformance with existing zoning requirements, including but not limited to parking layout and

circulation, paving, parking space dimensions, screening, and, in consultation with the Fire Chief, the sufficiency of circulation and vehicular access for public safety and emergency vehicles.

§ 136-13 Fees.

The Selectboard or designee may set, and periodically revise, a schedule of fees for license applications.

§ 136-14 Enforcement.

- A. Enforcement Personnel.** The Building Commissioner and Code Officials.
- B. Enforcement Options.** This Bylaw shall be enforced by criminal complaint through a court of competent jurisdiction. In addition, any person committing a violation under this section may be subject to a fine or issued a citation under the noncriminal disposition process of M.G.L. c. 40 section 21D. Furthermore, in appropriate circumstances, a license may be modified, suspended or revoked, or a civil action may be initiated to compel compliance herewith.
- C. Fines.** The fine for any violation shall be three hundred dollars (\$300) for each offense. Each day such violation continues shall be deemed a separate offense. Fines for other applicable local and state laws, regulations and codes, shall be set and assessed in a manner consistent with those laws, regulations, and codes, and the laws of the Commonwealth.
- D. Suspension.** The Building Commissioner is authorized to suspend a license after a hearing. The Building Commissioner shall provide written notice of a hearing to take place no sooner than 48 hours after notice is sent. The Building Commissioner may suspend a license after the hearing for the following reasons:
 - (1)** An Owner or Agent has knowingly allowed or assisted in allowing violations of this Bylaw.
 - (2)** An Owner or Agent refuses or neglects to comply with an order of the Code Official. The Code Official must find that the Owner or Agent has not taken action to achieve compliance of the property and that at least 90 days have expired without compliance since the date of receipt of the Enforcement Order. During this time the Code Official shall inform the Owner or Agent in writing that the license is subject to suspension.

Suspensions shall be as follows:

First Offense – 90 days

Second Offense in a twelve-month period – 180 days

Third Offense in a twelve-month period – 3 years

- E. Immediate Suspension.** In those instances where a rental unit has been condemned or deemed an unsafe structure pursuant to health, building and fire regulations, the license shall be immediately suspended and shall remain suspended until as such time the property is found to be habitable and in compliance by the appropriate Code Official.
- F. Owner Responsibility.** The Owner shall be responsible for any violations of this Bylaw, including acts or omissions of his/her Agent.

§ 135-15 Appeals.

Appeals for any failure to issue a license or suspend in accordance with 136-14 (D) may be taken to Superior Court.

[END GENERAL BYLAW CHAPTER 136]

OBJECTIVE:

The objective of this Article is to provide for reasonable and appropriate regulation of residential short-term rental units within the General Bylaw by creating a licensing and enforcement process.. A separate Article on the Town Meeting Warrant provides for regulation of residential short-term rental units under Chapter 255 Zoning by enabling the use in the various zoning districts and identifying the type of zoning permit required (Article ____).

SUMMARY:

The proposed General Bylaw serves in support of the proposed Short-Term Rental Zoning Bylaw by creating an annual license for a residential short-term rental. The General Bylaw designates the Building Commissioner as the licensing agent and the enforcement officer. The maximum total number of active licenses shall be twenty-five (25), and of those, no more than five (5) shall be non-owner occupied. Only legal residential dwelling units and spaces intended for human habitation are eligible for a license. Licenses must be renewed annually for the period July 1 thru June 30. Licenses are non-transferable and may only be applied for by the property owner. Applicants must both self-certify compliance with all requirements, and be subject to inspection by the enforcement officer or their agent. A license application must include a parking site plan, subject to review by the Building Commissioner and Fire District Chief. Enforcement processes include standards for notification, fines, and license suspension.

BACKGROUND:

Short-term rentals in South Hadley are considered any rental of all or part of a dwelling unit for 28 consecutive days or less, including home sharing and vacation rentals. Other communities may define them for a greater or fewer number of days. Short-term rentals are sometimes referred to as AirBNB or VRBO, however both are actually companies that provide an online reservation platform for short term rentals. Thus, within the proposed bylaw, the term “short term rental” is used as defined above.

The presence of STRs in communities can pose benefits as well as challenges. A number of STRs were operating in South Hadley illegally until April 2022 when cease and desist orders issued by the Building Commissioner came into effect. The South Hadley Zoning Bylaw Chapter 255 clearly states that any use not recognized in the Bylaw is considered prohibited. Of the twelve operating short-term rental facilities, two were able to obtain a Special Permit for a Bed-and Breakfast Home, subsequent to the cease-and-desist. The other ten facilities either did not apply for a Bed-and-Breakfast Special Permit or did not meet the standards for that use. Thus, due to the presence of short-term rentals within South Hadley, and their presence nationally in growing numbers, it is prudent to develop regulations to manage their existence within the community to protect and enhance the essential characteristics of and quality of life within existing residential neighborhoods for all residents. Regulations also have the intended purpose of protecting the health, safety and welfare of tenants and the surrounding community, and providing a means by which responsibilities for owners and tenants are codified, and compliance with such is required for continued operation.

The purpose of a Zoning Bylaw is to regulate the use (activity on a specific parcel of land) in a designated area (each of the twelve zoning districts in South Hadley). Such regulation includes whether or not the use is allowed, by what form of zoning permit, if any, and the standards that the use must comply with. Zoning permits for short-term rentals are proposed to be either by Site Plan Review or Special Permit. Issuance of a zoning permit in no way waives any rental operation from complying with all applicable local, state and federal building, fire and other codes and regulations.

Additionally, if local bylaws are adopted by Town Meeting enabling short-term rentals, the Town may also adopt enabling provisions under state law to impose an up to 6% local excise tax on such rentals. These funds could be used to support the administration and enforcement of short-term rental licenses within South Hadley. Consideration of imposing a local excise tax will be referred to the Selectboard upon adoption of Short-Term Rental General and Zoning Bylaws.

RELATIONSHIP TO MASTER PLAN AND OTHER COMMUNITY PLANS:

The 2020 Master Plan is silent on short-term rentals specifically. However, one of the Plan's core goals is to incorporate measures in its [Town] policies and practices to increase the Town's resiliency and ability to prosper and thrive in response to challenges such as a significant economic downturn, climate change, and other stressors. Additionally, Objective 3-5 states: Identify and take advantage of non-tax base revenue sources. As elaborated upon further below in the public hearings, some residents and operators of short-term rentals expressed that their short-term rental produced a much needed source of income for their household, particularly during the Covid-19 pandemic. They stated that their clientele were visitors to Mount Holyoke College and had not their local short-term rental been available, they would have stayed in overnight accommodations in neighboring communities.

DEPARTMENT COMMENTS

Police Chief Gunderson, Email 10/13/22: We can track "calls for service into the PD at every specific address. If we had a list of current licenses, we could flag those accordingly and then run reports as expected (monthly, quarterly) that could be shared with the Building Commissioner. We did this in Amherst, so this is not new territory for me. "Nuisance" calls that might come in into the PD/PSAP include: noise, parking, underage drinking, unattended fires, disturbances/fights.

Captain Jason Houle, Fire District 1, Email 8/8/22: The town has already adopted MGL 148, S26H. If any homes are rented out to 6 or more persons then the Fire Department would have to enforce that law, regardless of any town bylaws or ordinances.

PUBLIC HEARING:

The Planning Board began discussion on developing regulations for short-term rentals in August 2022, in response to several requests from operators of such facilities which had been issued cease-and-desist orders by the former Building Commissioner David Gardner. Posted public meetings to develop draft zoning and general bylaws were held on August 29, 2022, September 19, 2022, October 3, 2022, October 17, 2022 and, November 7, 2022. A Public Hearing on the proposed Short-Term Rental Zoning Bylaw was opened on February 6, 2023, and continued on March 20, 2023 and, March 27, 2023. These public hearings were held jointly for the Short-Term Rental General Bylaw.

Public Hearing comments and letters received expressed a range of opinions on short-term rentals. Generally, there was support for allowing owner occupied short-term rentals. Several operators of the facilities detailed their positive experiences with clients, typically visitors to Mount Holyoke College, and

the lack of problems or complaints generated, as supported by former Building Commissioner David Gardner who stated he had not received any complaints against the twelve short-term rentals issued cease and desist orders. Overnight accommodations in South Hadley are limited to a few bed-and-breakfast facilities which means visitors must stay in neighboring communities. The residents recognized Mount Holyoke College as well as other area colleges as a major draw for visitors to South Hadley. Some recalled community forums on the Master Plan update where the creation of policies and programming to take advantage of the rich culture offered by the college were discussed generally, and the value of this attraction for both residents and the local economy through new visitors as customers. Many of the operators of short-term rentals issued cease and desist orders told the Planning Board that their clientele were parents visiting their child at school, extended family members attending graduation or similar events, visiting academic professionals, and/or other professionals associated with the colleges. Because overnight accommodations are limited to a few bed-and-breakfast facilities, most visitors take their money and pay to stay in accommodations in neighboring towns and cities. Likewise, visitors staying in neighboring communities are also spending their money at restaurants and shops closer to their overnight accommodations. The owner of a non-owner occupied whole house rental said that in addition to the clientele stated above, she has rented to South Hadley families who were renovating their own home and in need of temporary housing during construction.

Limiting the number of days per year for a short-term rental was also discussed. Concerns were raised that as a result of such a limitation, properties would sit vacant for weeks or months once they reached the cap on rental days, which would not be of benefit to the property owner, abutters, or community at large. The Board therefore decided not to limit the total number of days per year a short-term rental could be occupied.

Several residents, including three Planning Board members, and an operator of a non-owner occupied, expressed support for non-owner occupied short-term rentals. Arguments in favor of such included the need for whole house rentals by extended families attending events at Mount Holyoke College (i.e. graduation, etc.), a preference by tenants for privacy and not sharing an accommodation with strangers, and a desire by some homeowners to rent their house seasonally/periodically while they traveled afar. Concerns expressed regarding short-term rentals in general included a potential burden on Town resources for the administration and enforcement of a short-term rental license. Some people spoke in favor of removing a cap on the total number of licenses, while others sought to see it reduced to less than the proposed number of 25. Concerns about the potential for short-term rentals to limit the availability of long-term rentals were expressed, and submitted examples of how short-term rentals are displacing long-term rentals in major cities and tourist destinations. Director Capra asserted that South Hadley is not a tourist destination and was not likely to become one in the future.

Residents questioned the reasoning for allowing a total of five non-owner occupied rentals, and expressed concern that allowing whole house short-term rentals would remove needed housing stock from the long-term rental market. The majority of the Board expressed that the small number of whole house rentals wouldn't burden the long-term rental market, which is also why a small number of whole house rentals was selected. Some members felt a total ban on non-owner occupied rentals would be disadvantageous to people whose houses were small. Only people with large homes would have the space to rent a portion of their house as a short-term rental. Some members of the public also expressed concerns that short-term rentals would become investment properties which may not be in line with the purpose of the bylaw to offer financial support for residents.

The permitting process was also questioned. The earlier draft zoning bylaw permitted owner-occupied short-term rentals in the Business zoning districts by-right, Residential and Agricultural by Site Plan Review, and prohibited in the Industrial zoning districts. Non-owner occupied short-term rentals are proposed to be allowed by Special Permit in all zoning districts. Both Site Plan Review and Special Permits require abutter notification and a public hearing. Some residents stated the importance of abutter notification and comment from the public at a public hearing. In response to these discussions, the Board amended the proposed Use Regulations Schedule to require Site Plan Review for owner occupied short-term rentals in all Business zoning districts.

Other concerns about non-owner occupied short-term rentals included lack of operator on site to police potential nuisance behavior which some suggested could include loud parties, unsightly storage of trash or other materials in the yard, overflow of parking, and illicit activities such as the sale of illegal drugs, all of which could infringe upon the peace and quiet of a residential neighborhood, the safety of abutters, and home values. Based on these concerns, the Board further deliberated about enforcement procedures. The Police Chief previously asserted by email specific addresses issued short-term rental licenses could be tracked for calls and reports issued to the Building Commissioner periodically. Building Commissioner Damian Cote was consulted on the questions about enforcement process and the potential to shorten the period mandated for compliance and the amount of fines issued. He replied that the 90-day period was already built into the zoning law (MGL Chapter 40A) and the building code, and could not be altered in a local bylaw. Town Counsel Attorney Mead advised that fines could be issued up to \$300 per offense and therefore, General Bylaw Section 136-14 Enforcement was amended increasing the fine from \$100 to \$300. Town Counsel further advised that appeals for failure to issue a license or the suspension of a license be taken to Superior Court rather than the Selectboard. General Bylaw Section 136-15 was amended accordingly. General Bylaw Section 136-9 Tenant Information was amended to require the Owner to provide to tenants a copy of South Hadley Bylaw Chapter 179 Nuisances.

Clarification was requested on the Town Meeting voting threshold for adoption of the bylaws, winter snow removal and storage, references to affordable housing restrictions, and allowances under a pending sale. Clarifications were provided as follows:

- 2/3 supermajority vote is required for adoption of the Short-Term Rental Zoning Bylaw, and a simple majority vote is required for adoption of the Short-term Rental General Bylaw.
- Application site plan requirements in the Zoning Bylaw Section D and General Bylaw Section 136-12 were amended to require information on winter snow removal under parking requirements.
- Town Counsel Attorney Mead was consulted on whether or not deed restricted affordable housing units could be prohibited from use as short-term rentals. Attorney Mead consulted with the Massachusetts Department of Housing and Community Development whom advised that no such prohibition could be made upon deed restricted ownership units, and for rental units, it is likely that the deed restriction limits use as such. Therefore, General Bylaw Section 136-7 Licensing was amended to require submittal of any deed restrictions to certify no such violations.
- References to allowance of short-term rentals during a pending sale were removed to ensure proper oversight of all rentals by the owner licensee.

RECOMMENDATION:

At their meeting on March 27, 2023, the Planning Board voted Four (4) in favor (B. Hutchison, D. Mulvaney, N. Therien, M. Davis) to One (1) opposed (J. Brown) to recommend to the Selectboard

inclusion of the Short-Term Rental General Bylaw on the May 2023 Annual Town Meeting Warrant. At their meeting on April 24, 2023, the Board voted 5-0 to approve this Report to Town Meeting.

ATTACHMENTS:

Attachment A: Public Hearing Minutes for February 2nd, March 20th and March 27th, 2023

Attachment B: Public Hearing Public Comment Submittals

ATTACHMENT A: Public Hearing Minutes

SOUTH HADLEY PLANNING BOARD VIRTUAL PUBLIC HEARING:

Discussion on proposing articles to Town Meeting for the purpose of creation of a new Short Term Rental General Bylaw and Short Term Rental Zoning Bylaw

MEETING MINUTES OF FEBRUARY 6, 2023

Present: Brad Hutchison, Chair; Diane Mulvaney, Vice-Chair; Joanna Brown, Clerk; Nate Therien, Member; Michael Davis, Member; Michael Adelman, Associate Member; and Anne Capra, Director of Planning and Conservation; Colleen Canning, Planning/Conservation Coordinator

Chair Hutchison called the public hearing to order at 7:00 PM and Clerk Brown read the hearing notice below out loud:

The South Hadley Planning Board will hold a virtual public hearing on Monday, February 6, 2023 at 7:00 p.m. to discuss proposing articles to Town Meeting for the purpose of creation of a new Short Term Rental General Bylaw and Short Term Rental Zoning Bylaw.

The public hearing will be conducted virtually/online using the Zoom Webinar platform and persons may join the meeting by either joining Zoom Webinar or by phone. The log-in information is as follows:

URL to join: <https://us02web.zoom.us/j/81859898540?pwd=V0dnbmZzO2dxZFNEVlpsZE5nanFDdz09>

Or join by phone: + 1(646) 558-8656 Webinar ID: 818 5989 8540 Passcode: 751566

The current drafts of the proposed bylaws and any accompanying documentation can be found here:

<https://www.southhadley.org/1318/ProposedDraft-Bylaws>. Alternatively, hard copies of the documents may be viewed at South Hadley Planning and Conservation Department office.

Any person interested in, or wishing to be heard, regarding this application should appear/join the hearing at the time and in the manner designated. The public hearing is being conducted in accordance with the provisions of Chapter 40-A, Section 11, Massachusetts General Laws as modified by Chapter 53 of the Special Acts of 2020 and the Governor's Executive Orders pertaining to public gatherings during the COVID 19 State of Emergency.

Joanna Brown, Clerk

South Hadley Planning Board

Publication: Friday, January 6, 2023

Friday, January 13, 2023

Chair Hutchison reviewed the objectives and protocols for the hearing. Director Capra followed by sharing a slideshow (attached) which gave an overview of the proposed drafted General and Zoning Short Term Rental (STR) bylaws.

Chair Hutchison opened the hearing to public comment.

Mike Lynch, 20 Riverlodge Road, addressed the Board. He asked for clarity of the language concerning non-owner occupied rentals. He also asked what the procedure was for securing a special permit. Director Capra clarified that special permits were issued by the Planning Board following a public hearing.

Martha Terry, 25 Brainard Street, addressed the Board. She inquired why different regulatory standards were proposed for Short Term Rentals when Bed-and-Breakfast permitting pathways were available to residents. She questioned the amount of Town resources that would be needed for administration and enforcement. She recommended that the drafts be revised to identify the time frame officials have for following up on complaints and to limit the number of guests and

days a unit can be rented. She objected to non-owner occupied short-term rentals but was supportive of owner-occupied rentals with appropriate regulations.

Brett and Ashley Murphey, 5 Dove Hill Road, addressed the Board. They identified themselves as one of the households who were issued cease-and desist for operating a short-term rental. They asked if sprinkler systems would be required. Chair Hutchison stated that the requirement was under building and fire code; not zoning.

Ira Brezinsky, 93 Woodbridge Street/Bylaw Review Committee, addressed the Board. He indicated support for Short Term Rentals and with less regulation than proposed. He was not supportive of capping the allowable number of rentals in Town and cited that no complaints had been received for the rentals previously in operation. He supported allowing the use by-right.

Linda Sachs, 93 Woodbridge Street, addressed the Board. She was opposed to non-owner occupied short-term rentals but was supportive of owner-occupied ones. She was concerned that administration of the new bylaw could take resources from the Town. She also advocated that trees not be removed to accommodate additional parking for potential renters.

Lynn Williams, 15 College View Heights, addressed the Board. She agreed with the previous points made by Ira Brezinsky. She asked for clarity on a number of administrative items in the bylaw such as the requirement for a self-certification checklist and the requirement for record retention.

Anne Stockton, 325 Hadley Street, addressed the Board. She supported owner-occupied short term rentals. She recommended that the cap be lowered to 15 total allowable rentals Town-wide. She questioned the Town's ability to monitor permit compliance.

Kevin Taugher, 42 Woodlawn Street, addressed the Board. He was concerned that allowing short term rentals would put an additional burden on the Town's Building Commissioner. He stated that a building inspection and abutter notification should be required before a short-term rental permit is granted. He recommended that language in the bylaw be clarified to avoid ambiguity and recommended that guest records be made available as is common at hotels.

Linda Young, 15 Westbrook Road, addressed the Board. She was opposed to non-owner occupied rentals but was supportive of owner-occupied ones. She recommended that the allowable rental cap be reduced to 10-15 properties and recommend that the duration of rental be limited to 13 days or less.

David King, 6 Oakley Drive, addressed the Board. He identified himself as one of the property owners who was issued a cease-and-desist. He stated that South Hadley does not currently offer many accommodations for travelers and short-term rentals help fill the demand. Many of his short-term renters had affiliations with Mount Holyoke College. However, he appreciated the stated concerns for non-owner occupied rentals. He asked for greater clarity in licensing requirements.

Selene Weber, 17 N Sycamore Knolls, addressed the Board. She was supportive of short-term rentals and identified that she was one of the property owners who received a cease-and-desist. However, she was later able to secure special permitting for a bed-and-breakfast. The operation offers her additional income while also offering accommodations to travelers with few lodging alternatives.

Robert Salthouse, 20 The Knolls, addressed the Board. He expressed concern that short term rentals would limit the availability of long term rentals.

Carol Constant, 100 Morgan Street, addressed the Board. She identified that South Hadley was not a vacation town. Therefore, it shouldn't be expected that short term rentals will have a significant impact on South Hadley like that of Cape Cod or other vacation destinations.

Bobbi Salthouse, 20 The Knolls addressed the Board. She was concerned that non-owner occupied short term rentals would negatively impact existing neighborhoods. Additionally, operators of non-owner occupied rentals did not have the same stakes in the community as residents.

Carl Weber, 17 N Sycamore Knolls, addressed the Board. His wife, Selene Weber, spoke previously. He noted that removal of a bad tenant from a short term rental was far easier than one from a long term rental. Additionally, short term rentals were heavily regulated. Long term rentals, rentals over 30 days, had no regulations under zoning.

Rick Winfield, 1 Dickinson Farm Road, addressed the Board. He recalled that a property in his neighborhood had gone through a number of different uses and was ultimately rented out to disrespectful tenants. They held loud parties and created a negative culture in the neighborhood. He was concerned that allowing non-owner occupied rentals would lead to similar problems.

Sheila Moos, 629 Granby Road, addressed the Board. She was one of the property owners who was issued a cease-and-desist. She did not occupy the property but lived close by in Northampton. The property was her husband's childhood home and renting the property as a short term rental gave them the financial ability to keep the property. Their experience with short term renters had always been positive.

Tunde Gyorgy, 14 Hadley Street, addressed the Board. She was one of the property owners who was issued a cease-and-desist. Her property was a multifamily home in close proximity to the Village Commons. She was furloughed from her job during the pandemic and operating a short-term rental offered her some income. As her property was close to the Village Commons, the area had a mix of residential and commercial properties which seemed like a good fit for a short term rental.

Member Therien responded to public concern for handling complaints and questioned how they would be handled. Director Capra responded that concerns that required immediate action would be handled by the police.

Clerk Brown asked for clarity on the voting threshold for adoption at Town Meeting. Director Capra stated that 2/3 majority vote was required for adoption of the zoning bylaw and a simple majority vote was required for adoption of the general bylaw.

Members were appreciative of all the feedback from the public. The comments would be considered when revising the current draft bylaws.

The hearing would be continued to allow for additional public feedback.

Motion: Clerk Brown moved to continue the public hearing to March 20, 2023 at 6:30 PM. Member Davis seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

The regular meeting reconvened at 9:48 PM.

Respectfully Submitted
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
Director Capra's Slideshow	Attached
Public submission – Martha Terry - Business Insider Article	Attached
Public submission – Linda Sachs – Letter	Attached
Public submission – Kayla Taylor - email	Attached
Public submission – Marian Millard – email and Hampshire Gazette Article	Attached
Public submission – Carol Constant - email	Attached

SOUTH HADLEY PLANNING BOARD PUBLIC HEARING CONTINUANCE:

Discussion on proposing articles to Town Meeting for the purpose of creation of a new Short Term Rental General Bylaw and Short Term Rental Zoning Bylaw

MEETING MINUTES OF MARCH 20, 2023

Present: Brad Hutchison, Chair; Diane Mulvaney, Vice-Chair; Joanna Brown, Clerk; Nate Therien, Member; Michael Davis, Member; Michael Adelman, Associate Member; and Anne Capra, Director of Planning and Conservation; Colleen Canning, Planning/Conservation Coordinator

Chair Hutchison called the public hearing to order at 6:48 PM.

Director Capra summarized the progress of the current draft General and Zoning Short Term Rental (STR) Bylaws. A meeting with Town Counsel would be required to discuss certain items in the general bylaw such as the process for revocation of an STR license. It was recommended that the Board wait for counsel's review of the general bylaw before further consideration. However, this gave the Board the opportunity to further consider the zoning bylaw.

Member Therien drafted a report (attached) which consolidated his thoughts and support of the STR bylaws. His report included regulatory recommendations to quell some concerns heard during the hearings. For example, the current bylaw draft allowed STRs in business zoning districts by-right. If the use required Site Plan Review, abutter notification would be required. Ideally, this change would mitigate concern from residents as all STRs in Town would require abutter notification before in operation. Member Therien also considered recommending capping the amount of STRs one individual could operate. During the previous hearing, stated concerns included the possibility that overzealous entrepreneurship could lead to one entity operating an unequitable amount of STRs.

Chair Hutchison opened the hearing to public comment.

Martha Terry, 25 Brainard Street, addressed the Board. She supported allowing 20 owner-occupied STRs in Town but was opposed to the allowance for 5 non-owner occupied ones. She felt that non-owner occupied STRs lessened available housing stock and could create uncomfortable neighborhood dynamics.

Anne Stockton, Amherst Road, addressed the Board. She opposed non-owner occupied STRs as it would take available housing away from long-term residents.

Members indicated that much of the public concern for short term rentals related to potential nuisance complaints. Member Davis felt there was a public perception of STRs being 'party houses'. However, that was not his experience interacting with STRs. He anticipated that most short-term renters in South Hadley would be affiliated with Mount Holyoke College and did not foresee troublesome tenants. Clerk Brown was familiar with a number of cases where STRs lead to problems within the communities where they were located which included criminal activity. She cautioned that there would be negative consequences associated with STRs. Vice-Chair Mulvaney shared that she had many positive and negative experiences with neighbors. In her

experience, the worst neighbor she had was a homeowner resident. She added that nuisance laws were in place, non-owner occupied rentals were limited to 5, and the Board held thorough discussion on the topic.

Lynn Williams, College View Heights, addressed the Board. She operated a bed-and-breakfast and relayed the rigorous vetting process during tenant selection. She explained that fire and building code requirements were complex and expensive to maintain as she had spent the past year trying to satisfy compliance requirements. She questioned if a kitchen could be included inside the lodging space of an owner-occupied bed-and-breakfast. Chair Hutchison referenced the zoning bylaw and relayed that a kitchen was not permissible inside the lodging space. The requirement could not be waived by the Planning Board.

Members discussed the recommendations included in Member Therien's comment letter including the recommendation to change the permitting threshold from 'by-right' to 'site plan review' for an STR in business zoning districts.

Motion: Member Therien moved to revise the draft STR zoning bylaw to require Site Plan Review for all short term rentals within business zoning districts. Vice-Chair Mulvaney seconded the motion. Four (4) out of five (5) members voted in favor of the motion through roll call. Chair Hutchison voted against the motion.

Members discussed Member Therien's recommendation to limit the amount of STR licenses an individual can be issued to two; of which one needed to be owner-occupied. Associate Member Adelman advocated for limiting the number of licenses to one. Members were supportive of limiting the number of licenses to one or were neutral on the matter.

Motion: Member Davis moved to revise the short term rental bylaw to indicate that only one short term rental license can be issued to an individual. Member Therien seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

Clerk Brown identified items that needed clarity in the current drafts. The bylaw made unclear references to affordable housing and housing under a pending sale. Director Capra would review these items with Town Counsel.

Clerk Brown asked if the bylaw language included requirements for snow removal. The zoning bylaw did require a narrative explaining snow removal practices.

As the Board needed to wait for Town Counsel comments on the bylaw, the board considered continuing the hearing to the next regular meeting.

Motion: Clerk Brown moved to continue the hearing to March 27, 2023 at 7:00 PM. Member Davis seconded the motion. Five (5) out of five (5) members voted in favor of the motion through roll call.

The regular meeting reconvened at 8:37 PM.

Respectfully Submitted
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
Public Hearing Draft - General Short Term Rental Bylaw	Planning Files
Public Hearing Draft - Zoning Short Term Rental Bylaw	Planning Files
February 15 commentary report provided by Member Nate Therien	Attached
February 7 email from Hattie Finkle, 450 Amherst Road	Attached

SOUTH HADLEY PLANNING BOARD PUBLIC HEARING CONTINUANCE:

Discussion on proposing articles to Town Meeting for the purpose of creation of a new Short Term Rental General Bylaw and Short Term Rental Zoning Bylaw

MEETING MINUTES OF MARCH 27, 2023

Present: Brad Hutchison, Chair; Diane Mulvaney, Vice-Chair; Joanna Brown, Clerk; Nate Therien, Member; Michael Davis, Member; Michael Adelman, Associate Member; and Anne Capra, Director of Planning and Conservation; Colleen Canning, Planning/Conservation Coordinator

Chair Hutchison called the public hearing to order at 6:58 PM.

Director Capra met with Town Counsel earlier in the day to discuss the Short Term Rental (STR) bylaw drafts. It had been advised that the reference to deed restricted affordable housing be stricken from the zoning bylaw. As a replacement, the general bylaw could prohibit any deed restricted housing without directly referencing affordable housing. Relative to enforcement, the general bylaw could not direct the Building Commissioner's duties as they were defined under state law. Therefore, language stating the Building Commissioner 'shall' perform certain duties needed to be removed. Relative to license suspension, due process needed to be followed allowing an appellant a hearing process. Director Capra also clarified that the maximum daily fine for violations was \$300.

Member Therien discussed the process for tenant notification of local nuisance laws. Such notification could be required under the general bylaw section relating to 'tenant information' as the section already had an itemized list of owner obligations.

Clerk Brown addressed concerns for how enforcement would be handled. Under the 'enforcement' section of the general bylaw the language indicates owner responsibility when 'knowingly' allowing violations. She questioned if including the word 'knowingly' allowed for a loophole in responsibility. Additionally, the 'enforcement' section indicated that operators had 90 days to comply after notice of violation. She questioned if 90 days was too long of a period.

Members continued to discuss enforcement and nuisance concerns. Chair Hutchison indicated that the most applicable nuisance for an operating STR would be noise. As such, enforcement of immediate nature would be addressed through the police department. He added that no complaints had been received for the series of STRs operating in Town illegally prior to enforcement. Clerk Brown referenced the experience of a friend who lived near two STRs which were used for criminal activity. She wanted additional protection under the bylaw. Vice-Chair Mulvaney stated that the STR bylaws were not an appropriate place to address criminal enforcement or police protocol as was similarly indicated by Town Counsel relating to the responsibilities of the Building Commissioner. Member Davis also added that the general bylaw required an operator to make their home available 24 hours after a request. It was recommended that the language be amended to indicate that the home be made available after request *or notice of complaint*.

Chair Hutchison asked members to indicate if they were comfortable with the current draft of the zoning STR bylaw and if they supported sending it to Town Meeting. All members indicated support except Clerk Brown.

Members discussed what additional edits should be made to the general bylaw given the discussion during the hearing. The 'tenant information' section should be amended to include the requirement for operators to provide the nuisance law to renters and the 'inspections & complaints' section should be amended to require operators to make their house available after receipt of a complaint. Members were also interested in gathering feedback from the Building Commissioner regarding the 90 day response period following notice of a violation. However, the language would not be changed at this time as the Board needed to render a decision on the bylaw tonight.

Chair Hutchison addressed an email (attached) that was received from Ashleigh Murphy, 5 Dove Hill Road. At a previous hearing, Chair Hutchison indicated that building and fire code requirements could be cost prohibitive for some people interested in establishing an STR. The Fire Department and the Building Commissioner were the ultimate authority for fire and building code requirements.

Chair Hutchison opened the hearing to public comment.

Martha Terry, 25 Brainard Street, addressed the Board. She supported the recommendation to require tenant notification of the local nuisance law. She asked for clarity on the permitting avenues for the STR use type in each district and requested a diagram be included in the bylaw to indicate how to file complaints for STR operations. Director Capra clarified permitting thresholds and stated that the inclusion of a diagram was not feasible. Rules and regulations would be developed following bylaw adoption. She added that noise complaints would be handled the same way for STRs as other residences. Noise complaints would be handled by the Police Department.

Anne Stockton, Amherst Road, addressed the Board. She did not support non-owner occupied STRs and recommended that the Board seek to limit the amount of days an STR could be rented per-year.

Clerk Brown re-addressed concern for potential criminal behavior from short-term renters and expressed interest in including protections against it. No other members indicated similar interest as monitoring and enforcing against criminal behavior was under the authority of the police department.

Members discussed the comments made by Anne Stockton regarding limiting the number of days a short term rental could be rented out per year. No members indicated support for limiting the amount of days an STR could be rented per year.

Members were aware that Town Meeting was soon approaching. For the STR bylaws to be considered at May 2023 Town Meeting, the Board would need to close the hearing and make a recommendation for adoption that night.

Motion: Member Therien moved to send the drafted General Short Term Rental Bylaw as amended to the Selectboard for placement on the May 2023 Town Meeting warrant. Member Davis seconded the motion. Four (4) out of five (5) members voted in favor of the motion through roll call. Clerk Brown voted against the motion.

Motion: Member Davis moved to send the drafted Zoning Short Term Rental Bylaw as amended to the Selectboard for placement on the May 2023 Town Meeting warrant. Vice-Chair Mulvaney seconded the motion. Four (4) out of five (5) members voted in favor of the motion through roll call. Clerk Brown voted against the motion.

Motion: Member Therien moved to close the hearing. Vice-Chair Mulvaney seconded the motion. Four (4) out of five (5) members voted in favor of the motion through roll call. Clerk Brown voted against the motion.

The regular meeting reconvened at 8:53 PM.

Respectfully Submitted
Colleen Canning, Planning/Conservation Coordinator

Appendix

Document	Document Location
Public Hearing Draft - General Short Term Rental Bylaw	Planning Files
Public Hearing Draft -Zoning Short Term Rental Bylaw	Planning Files
March 20 email from Ashleigh Murphey, 5 Dove Hill	Attached

ATTACHMENT B: Public Hearing Public Comments

193 Woodbridge Street
South Hadley, MA 01075
lsachsnyc@earthlink.net

February 3, 2023

Anne Capra
Director of Planning and Conservation
Town of South Hadley, MA 01075

Dear Ms. Capra:

I am writing to comment on the proposed Short Term Rental Zoning Bylaw and General Bylaw.

Please share this document with the Planning Commission.

I am not an attorney and apologize in advance if my comments do not incorporate knowledge of existing municipal and state laws or if I have misunderstood the draft Bylaws.

Please understand that I am writing from the perspective of a homeowner, living and enjoying a home on a peaceful, somewhat rural road. I also write, not just out of selfish concern, but on behalf of the huge silent majority of homeowners who will never be STR operators but may be forced to live next to a STR property.

I am very concerned that these proposed bylaws fall short when it comes to:

1. Protecting the quality of life within existing residential neighborhoods.
2. Protecting the values of neighboring properties
3. Protecting the rights of homeowners to the quiet and peaceful enjoyment of their homes and properties.

The 12/15/2022 Draft Bylaws Summary prominently states:

“The presence of STRs in communities can pose great benefits as well as challenges.”

This statement evinces an inappropriate bias and it seems to have no basis in facts. At least none are stated. What are the “**great benefits**” aside from enormous financial gain for a handful of STR operators?

Short Term Rentals have the potential to completely change the character of a neighborhood and to destroy the quality of life for contiguous property owners and others in the neighborhood who are not using their properties as STR businesses. What happens if a STR becomes like a noisy out-of-control fraternity house?

Because the Short Term Rental business is a business and has the potential to be quite lucrative for operators, it must be the operators who bear all costs associated with licensing, regulation, and enforcement. Otherwise, you are essentially asking the town, its taxpayers and an operator’s neighbors to subsidize their business. Failure to recoup all costs is a subsidy.

I respectfully request the following changes/additions be made to these draft Bylaws:

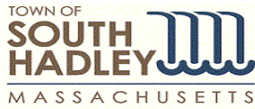
1. There must be a special license for the STR business, not just a general business license and that license fee should be large enough to recoup all administrative costs associated with issuing the license.
2. No individual should be allowed to operate more than one STR.
3. You must have a mechanism for establishing the duration of a violation. Since the draft General Bylaw only says that a Code Official will inspect within a “reasonable amount of time,” there is no current method for establishing the duration of a violation and thereby assessing an appropriate fine. The Bylaws should allow photographs and video to become accepted evidence of violations.
4. Fines for violations must be higher than \$100 per day, otherwise the fine is simply the cost of doing business.

5. Establish a Rental Registry so that the South Hadley Police Department and residents can track nuisance calls and all complaints and violations against an operator.
6. Establish a clear and easy path for neighbors to bring concerns, complaints and violations to the attention of appropriate officials.
7. Establish clear lines of responsibility when trash and snow removal “narratives” mentioned in the draft Zoning bylaw are not followed. For example, what happens if trash is put out the day after collection? Are the trash cans and recycling bins just going to sit there for days or two weeks? What if trash starts blowing around everywhere? Trash can make a neighborhood look and feel awful. Will neighbors be expected to clean this up? Or will they have to wait for the Code Official to appear within a “reasonable amount of time?”
8. Prohibit the killing of any trees or the paving of ground for the purposes of establishing increased parking for the STR operator’s business. Doing either – killing trees or covering the ground with pavement/ concrete violates the spirit if not the letter of South Hadley’s updated Master Plan, damages the environment, changes the character of a street, causes temperatures to increase in the immediate area, makes a street less lovely and potentially harms wildlife. Why should all these harms be permitted for the financial gain of a few individuals?

Thank you for hearing me out.

Yours truly,

Linda Sachs



Colleen Canning <ccanning@southhadleyma.gov>

Fwd: Short Term Rental Proposed bylaw

Colleen Canning <ccanning@southhadleyma.gov>
To: Colleen Canning <ccanning@southhadleyma.gov>

Mon, Feb 6, 2023 at 1:59 PM

From: **Kayla Taylor** <817ktaylor@gmail.com>
Date: Sun, Feb 5, 2023 at 3:40 PM
Subject: Short Term Rental Proposed bylaw
To: <acapra@southhadleyma.gov>

Hi Anne,

I am writing in response to the proposed by law regarding Short Term Rentals (STR). While I appreciate that the town is considering allowing STRs, I strongly disagree with the cap on total STRs and the reasoning for the cap regulation.

By not allowing STRs currently, the town is already essentially telling our out of town guests that we don't welcome them; that's why they have to stay in Holyoke, Chicopee, Easthampton, or Northampton. All of these towns listed, unsurprisingly, already have booming local economies with dining and shopping options that far outweigh ours, both in quality and choice. This fact is worth noting as not only are we not welcoming out of town guests, we're actually giving them reasons to not choose our town for anything outside of the reason they have to be in town in the first place.

Now, by choosing to allow STRs, but capping the amount of STRs, we're telling out of town guests; "sure you can stay here but you have to be wealthy enough to afford it." Once you cap something, you're battling with supply and demand; less supply, and a presumed decent demand during certain times of the year = increased rental price.

It's not a secret that our town isn't some hidden gem, vacation destination. Anyone who would seek out a short term rental here, is doing so with a purpose, and I am confident that has nothing to do with a bachelorette weekend or to host a neighborhood house party. Given this, I am stuck on the reason to regulate on the proposed by law being listed as "preserving residential neighborhoods and quality of life". To me that sounds like an excuse to cherry pick who you allow in what neighborhood and in my opinion quite elitist; given I'd bet no one is looking to rent a house on School Street; even if it was offered up on Air BnB. We already have noise ordinances, trash ordinances and can easily update parking ordinances if it were to honestly be to preserve residential neighborhoods.

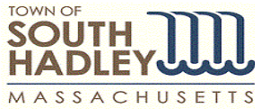
Do you truly expect 25+ owner occupied homes to suddenly pop up on Air BnB? And will they be highly concentrated in one neighborhood, that it will cause such chaos and need to be this controlled? I urge you to allow STRs and see how it comes to fruition prior to proceeding with a cap. Let's tell our out of town guests that we really DO! welcome them, all of them; not dependent on their wealth.

Thank you for your time.

Kayla Taylor
31 N Main Street

Sent from my iPhone

--



Colleen Canning <ccanning@southhadleyma.gov>

Fwd: In full support of South Hadley's proposed STR Bylaws

Colleen Canning <ccanning@southhadleyma.gov>
To: Colleen Canning <ccanning@southhadleyma.gov>

Mon, Feb 6, 2023 at 2:02 PM

----- Forwarded message -----

From: **Mariann Millard** <mariannmillard@yahoo.com>
Date: Mon, Feb 6, 2023 at 11:46 AM
Subject: In full support of South Hadley's proposed STR Bylaws
To: Anne Capra <acapra@southhadleyma.gov>

Dear Ms. Capra,

I'm writing this email to state my full support of South Hadley adopting its Proposed Short Term Rentals General Bylaw and Zoning Bylaw.

After a comprehensive review of the proposed bylaws, I believe that it makes sense for the town and its residents to be in favor of adopting the bylaws for the following reasons:

- It will help to eliminate the number of illegal STR that has taken place in town by allowing a set number of legal licenses to operate.
- It will help to lessen the time & expense burden of the Building Commissioner to continually ferret out the illegal licenses, based on the assumption that those previously operating illegally will willingly and cooperatively apply for a license, and abide by the bylaw rules.
- It will help recognize that South Hadley cannot remain in the 19th and 20th centuries, by holding on to a non-realistic and harmful view that current economic realities for residents don't exist in the 21st century. South Hadley already suffers from an unfortunate reputation of being non-business-user-friendly. By denying residents an opportunity to individually profit, and by extension, the town, from a well-regulated business of STR continues to promote this unfriendly business culture, to the detriment of all.

The proposed bylaws are well-crafted upfront to address and implement all needed guardrails against abuse, e.g. noise and land pollution, which includes license suspension. Town officials have a keen vested interest to make STR work well in town for everyone and I believe that their proposed bylaws achieve this goal.

It should also be noted that Airbnb, a company focused on short-term rentals, will put in place a new booking rule, which is designed to be of benefit to both its hosts and guests, and in the process, to the surrounding neighbors, etc.:

<https://www.cnbc.com/2023/02/03/airbnb-will-soon-push-all-vacationers-and-hosts-to-verify-identity.html>

A summary from the CNBC article can be found here:

Come Spring 2023, [Airbnb](#) will require all users booking reservations on its platform to verify their identity to book a reservation, further [expanding a program](#) that asks for credentials like a photo of

a valid government-issued ID or a legal name and address.

With the growing popularity of STR, it makes economic and community sense for South Hadley to support and adopt the proposed bylaws for the immediate protection and benefit of its residents and visitors.

Best,

Mariann Millard
South Hadley resident

Airbnb is making a simple, but big booking change bringing it closer to hotel check-in



Come Spring 2023, [Airbnb](#) will require all users booking reservations on its platform to verify their identity to book a reservation, further [expanding a program](#) that asks for credentials like a photo of a valid government-issued ID or a legal name and address.

Tara Bunch, global head of operations at Airbnb, said that while 80% of the rental platform's bookings already feature identity verification as something hosts can request, the company is taking this additional step.

"It's not so much that people that were booking listings were representing themselves as not being who they are," Bunch said. "When you take away the anonymity of not being identify verified, I think it opens up the perception that people could behave badly and not be held accountable, and by definition, tends to cause people to behave a little bit better because they know they will be held accountable for bad actions."

The move puts Airbnb more in line with traditional hotels, where front desk workers request to see some form of identification from a guest prior to check-in. Most other vacation rental platforms, like [Expedia Group's Vrbo](#), don't require identification verification but do allow guests or hosts on the platform to submit their information.

Airbnb has made efforts in the past to curb bad behavior. Amid the Covid-19 outbreak, the company placed a temporary [ban on house parties](#) citing health concerns. It made that ban permanent in June, as well as [banning party-house-type situations](#), where people would book large houses for a single night.

It also rolled out [several enhanced safety features](#) following a shooting that killed five people at one of its bookings in 2019.

Bunch said as the company looked to implement these features, it leaned on machine learning to help identify potential issues. In the case of stopping house parties, Airbnb looked at things like the age of the individual booker and how long they've been on the platform, as well as things like how far away they lived from a large home they were looking to book, or if there were multiple efforts to book the same property by people in close geographic regions. As a result, Airbnb was able to further reduce parties on the platform by 35% in Australia, where it tested some of these features.

While infrequent, Bunch said there have been examples of people purposely using false identities to [dupe other users or defraud them](#). Bunch noted that there have been instances of financial fraud schemes where unverified users have looked to use stolen credit cards via fake identities, or even looked to move money between fictional guest and host combos. "An innocent guest can get caught up in that, so we felt that taking that completely out of the system, preventing any sort of financial fraud or being able to take advantage of someone with say a fake identity was really important," she said.

In collecting this data, Airbnb utilizes a variety of third-party platforms, databases, and verification systems to confirm that someone is truly who are saying they are as well as doing other background checks, Bunch said, adding that there are also manual reviews when needed. That has put more emphasis on Airbnb's internal data security, and Bunch said all of these points of ID verification from the platform are closely monitored by the company's chief privacy officer and his team, as well as for compliance with local and national data privacy regulations.

"Guests and hosts come to Airbnb because we're a trusted brand and they're trusting us to keep their property safe and keep them safe, and to have a great experience in a beautiful location with a beautiful listing," she said. "At the end of the day, the way we're going to retain and attract guests and hosts and grow our platform is creating that level of trust within our community and being the place that people know they can come to book an experience or vacation and it is worry free."

Mariann Millard: Town residents should review short-term rental bylaw proposals



- South Hadley Town Hall

With regards to the scheduled Planning Board public hearing on short-term rentals for South Hadley on Feb. 6 at 7 p.m., I'd like to encourage South Hadley residents to thoroughly read and digest the draft proposed bylaws for short-term rentals (STR). The documents can be found online at www.southhadley.org/DocumentCenter/View/10194/Proposed-Short-Term-Rental-Bylaws-Summary. The language in the documents is quite clear about addressing “the benefits and challenges” of STR, especially resolving the challenges, which will continue to include STR non-compliance issues in the final bylaws adopted. Please do not be swayed by any public “fear-mongering” perception that the town will somehow become destroyed by allowing STR. This tactic is at best disingenuous with misinformation and the scary idea that STR use will be allowed to run amok throughout town without any compliance, enforcement and license-suspension guardrails.

Mariann Millard

South Hadley

public comment

Carol Constant <cpconstant@gmail.com>

Mon, Feb 6, 2023 at 7:18 PM

To: Colleen Canning <ccanning@southhadleyma.gov>

Hi Colleen,

I am so sorry, I cannot seem to log in to the public hearing tonight.

My comment is that in the short term rental system, AirBNB etc, owners rate renters and renters rate wonders. This system is meant to keep everybody on their best behavior. If there is a bad owner or a bad renter it goes on their record for future rentals.

Thanks!!

--

Carol Constant
413-222-1761

Not everyone who grows old will have dementia, but there are people living in our communities who do. People living with dementia might be our neighbors or friends, in the grocery store, shops, restaurants, or sitting next to us in worship. A dementia friendly community is one that is informed, understanding, and supportive to those living with dementia and their caregivers.

2/6/23 Planning Board meeting

Harriet Finkel <hattie.finkel@gmail.com>

Tue, Feb 7, 2023 at 1:32 PM

To: Anne Capra <acapra@southhadley.ma.gov>, ccanning@southhadley.ma.gov

Good Afternoon.

I am quite frustrated as I had attended last night's Planning Board meeting vis Zoom and, though I had my hand up, was not chosen to speak. I truly feel Colleen was unable to see me- why I do not know. I am including the comments I intended to make last night in this communication as a result.

As a Town Meeting member, I have had many conversations with friends and neighbors regarding the article proposing Short Term Rental regulations in South Hadley. I find there is general support for owner occupied STRs. People I talked to felt that they are a good way for homeowners to generate extra income while providing a valuable service.

However, I found there is great opposition to non-owner occupied STRs. Residents are very concerned that living in proximity to such a facility could damage existing home values, neighborhood culture, and quality of life. I myself would never invest in a property near such an enterprise.

If the proposed article included a provision to allow non-owner occupied STRs, I would have to vote no on the article at the May Town Meeting.

Yours very truly, Hattie Finkel, 450 Amherst Road

*Please forward this communication to all Planning Board members as soon as possible and include these comments in last night's Planning Board minutes. Thank you

Fwd: STR bylaw question

Colleen Canning <ccanning@southhadleyma.gov>
To: Colleen Canning <ccanning@southhadleyma.gov>

Fri, Mar 24, 2023 at 11:52 AM

----- Forwarded message -----

From: **Ashleigh Murphy** <ashleighmurphy624@gmail.com>
Date: Mon, Mar 20, 2023 at 9:06 PM
Subject: STR bylaw question
To: acapra@southhadleyma.gov <acapra@southhadleyma.gov>

Hi Anne,

I was just an attendee at the public hearing about owner occupied STRs. This question occurred to me after you all had moved on. If the bylaws are approved and a path is created for home owners to apply for a special permit, do you know details of what the building inspector and fire chief will require of these spaces? I heard a quick comment from the chair that the requirements of the fire and building chief may significantly limit the number of approved STRs anyway and I just want to have that important detail clarified. I want to point out, that if the fire chief and building inspector require something, like sprinkler systems for example, to be installed in order to gain permit approval, this whole discussion is a mute point because the cost of that process would be prohibitive for most. Is there a way to make recommendations from the planning board and the community regarding these potential requirements? When would their requirements be known and shared with the public?

Have you looked into the bylaws in Northampton and Amherst, who have a number of listed STRs, to inform your process for South Hadley? Are those towns requiring special permits that include site plan review?

My concern is that through this process, somehow the by laws and requirements are going to be prohibitive to something that has caused no known issue in town, serves as a nice *little* financial side gig, and has created a welcoming space for folks visiting family and friends, coming to town for events at the college, and even provided some traffic for small businesses in town.

Thank you for your time and service to our community.

Best,

Ashleigh Murphy
5 Dove Hill

Thanks for trying out Immersive Reader. Share your feedback with us.  



25 cities and towns where it will become harder to own or manage a short-term vacation rental in 2023



Atlanta is one of the many cities that has gotten serious about cracking down on short-term rentals.

Steve Kelley / Getty Images

- The pandemic sparked a boom in short-term rentals, and AirDNA found listings hit a record high in 2022.
- Some residents and officials in hot cities say these rentals deplete housing stock or cause noise disturbances.
- These 25 locations across North America are looking to rein in Airbnbs and short-term rentals.

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Airbnbs and other short-term rental platforms became a go-to for investors during the pandemic as high home prices and rising interest rates made it unaffordable for regular homebuyers to enter the

market.

Investors sought to maximize their returns by renting homes to growing numbers of vacationers, travel nurses, and remote workers. But as the calendar turns to 2023, [there is more competition than ever for short-term rentals](#) which will make it more difficult for investors who are looking to capitalize on the travel boom created by the pandemic.

But that hasn't stopped a number of vacation rental owners and property managers from cashing in — in both the US and Canada — which has left some of their neighbors frustrated.

For many, it's paying off. Airbnb reported the average US host's income grew to over \$13,800 in 2021 — an increase of 85% since 2019. By early 2022, there were a towering, industry-record 1.5 million listings available, according to the analytics site AirDNA.

Locals say the mounting presence of short-term rentals in their neighborhoods can lead to a variety of issues, from mundane annoyances (noisy parties) to substantial challenges (they make it more difficult for regular people to buy homes).

Cities and towns are caught in the middle, trying to balance these concerns with the revenue that vacationers bring in and the rights of property owners. From the beaches of California to the mountains of Vermont, communities are grappling with what the future of short-term rentals looks like.

Some local governments, like in Honolulu, have passed regulations like banning rental stays under 90 days, while others, like in Aspen, Colorado, have proposed new taxes on owners. Some cities have simply called timeout: Chattanooga, Tennessee, paused new applications for non-owner-occupied units as it considered short-term rentals' future there.

An Airbnb spokesperson said in an emailed statement that "short-term rentals have been part of the fabric of popular vacation destinations such as these for decades, and our goal is to work with communities on balanced rules that support local tourism economies, provide certainty and clarity for Hosts, and address community concerns." Airbnb also maintains a page on its site dubbed City Portal, which has resources for local governments.

Here are 25 locations in the US and Canada where residents and local politicians are fighting back against short-term rentals. They are presented in alphabetical order.

Are you trying to pass regulations to limit short-term rentals? Are you a short-term rental owner who wants to talk about your experience with regulations? Email reporter Dan Latu at dlatu@insider.com.

Alamosa, Colorado



The Great Sand Dune National Park and the nearby Sangre de Cristo mountains draw visitors to southern Colorado every year.

Dan Ballard/Getty Images

A four-hour drive south of Denver, Alamosa (population 10,000) is known for its proximity to Great Sand Dunes National Park, where visitors flock to see the tallest dunes in North America.

As of November, Alamosa had 24 short-term rentals registered with the city — and many more unregistered ones, [the Alamosa Citizen](#) reported.

In April, [the Alamosa City Council unanimously passed an ordinance and two resolutions](#) that were seen as a compromise between the interests of short-term-rental owners and frustrated residents.

Under the new regulations, short-term rentals that are available for less than 30 days can only be in certain types of dwellings, including single-family homes or one unit in a multifamily property. Renting units in multifamily buildings with more than four units is no longer allowed.

Short-term-rental owners will also have to obtain a license for an initial cost of \$750 and a yearly renewal fee of \$300. There is now a 5% cap on the number of short-term-rental licenses that will be issued per zone, or city neighborhood.

When a new short-term-rental license is issued, neighbors must be notified.

The Alamosa Citizen [reported](#) that area employers were struggling to recruit workers given "a tight and increasingly expensive housing market."

"It is important to bring resolution to this item so business owners can predict what will be expected of them, neighborhoods will have some protections from nuisances, there is reasonable preservation of housing units for residents," Heather Brooks, the Alamosa city manager, [told the Valley Courier](#).

Aspen, Colorado

Aspen, Colorado

[VisionsofAmerica/Joe Sohm](#)

Aspen voters approved a ballot measure in November that imposes a pair of new taxes on short-term and vacation rental properties. Ballot Issue 2A imposes a 5% tax on nightly room rates for short-term rentals with lodge-exempt permits and a 10% tax on investment properties.

The measures were approved by the local city council just days after Steamboat Springs, another popular Colorado resort town about three hours north of Aspen, passed a similar ordinance imposing

new taxes on vacation rentals.

Aspen City Council member Rachel Richards told [the Post Independent](#) in November that the vote is a "re-affirmation that Aspen is a community, wants to be a community, and supports the community."

There are 979 STRs in Aspen and they charge an average daily rate of \$749, according to [AirDNA](#). Aspen is also the most expensive city in Colorado to live in with an average home price of more than \$3 million, according to [Zillow](#).

Opponents of the measure have argued that it will depress tourism in one of Colorado's best-known resort locations. In the summer of 2020, Aspen hospitality businesses saw their average daily rates increase by 29% year-over-year while their revenue per available room increased by nearly 99%, [according to data from the Aspen Chamber of Commerce](#).

Atlanta, Georgia

Homes in Atlanta's popular Midtown neighborhood.

novikat/Getty Images

In March 2021, Atlanta passed an ordinance to regulate short-term rentals.

It requires hosts to pay a \$150 annual fee for a permit — and provide a copy of the property's deed and a utility bill — to operate a rental property. The rentals are taxed at 8%, the same as hotels in Atlanta. A violation of the ordinance carries a \$300 fine.

"I'm trying to stop the city from becoming a de facto hotel city," a city councilman, Antonio Lewis, [told The Atlanta Journal-Constitution](#).

The bill was approved by a [13-2 council vote](#) to crack down on party houses by making the owner of the unit responsible for violations.

The law was scheduled to go into effect in April, allowing hosts to apply for permits the month prior.

However, according to an analysis of city-permitting data by The Atlanta Journal-Constitution, roughly 10% of the city's 7,100 listings applied for permits two months after the application process opened. Less than 3% received permits.

The enforcement date has since been extended to September 6, [according to the local NBC affiliate 11 Alive](#).

For now, all enforcement of the new rules will be complaint-driven and fall under the jurisdiction of the Atlanta police.

Burlington, Vermont

Church Street in Burlington, Vermont, is the downtown hub of the state's most populous city.

DenisTangneyJr/Getty Images

Vermont's most populous city attracts more than just autumnal leaf-peepers, welcoming visitors year-round for its breweries, nature excursions, and cultural attractions.

For the past year, the city government was locked in a debate over the growth of short-term rentals. There are now between 200 to 250 short-term rentals in the 40,000-person city, [according to the VTDigger](#), and the major concern for officials is whether short-term rentals take away housing stock from Burlington residents.

In February, [the City Council passed an ordinance](#) requiring short-term-rental owners to also live in the house as their primary residence. But the [mayor vetoed the measure in March](#), saying it was too restrictive.

In April, the City Council, with new members sworn in, [voted to consider a new set of rules](#) and passed a brand-new ordinance in June, [according to the local outlet Seven Days](#).

Short-term-rental owners must now live on the property, though there are some exceptions. Hosts will also pay an annual fee of up to \$110 and a 9% tax on revenue from the rental, according to Seven Days.

Chattanooga, Tennessee

Riverboat cruises draw visitors to the Tennessee River in Chattanooga, where the city has paused all short-term-rental applications.

SeanPavonePhoto/Getty Images

The Chattanooga City Council [has paused all applications for short-term rental that are not owner-occupied](#). The freeze will last the rest of 2022.

The city, with a riverfront and historic battlegrounds that attract tourists, has been debating the merits of its profitable rental industry. A local station, Channel 9 News, reported [that Airbnb rentals brought in tax revenue of \\$3.5 million for the county in 2021](#).

But some residents are concerned about the ability of outside investors to reap rewards at the expense of Chattanooga locals.

"I'm not in favor of having investors that come in out of state, out of country even, and buy 10 to 15 pieces of property. They're not invested in the community. They're not invested in Chattanooga," Donna Morgan, a local resident, told Channel 9.

There are 1,120 active short-term rentals, according to analytics site AirDNA.

Coeur d'Alene, Idaho

Coeur d'Alene, Idaho is a resort town that is a 40-minute drive east of Spokane, Washington.

Alan Nick

City leaders in Coeur d'Alene, a resort town along the north edge of Idaho's Harrison Slough, are working to limit the number of short term rentals in their town.

The city first passed laws concerning short term rentals in 2017, but is considering adding a slew of restrictions as the number of vacation rentals continues to grow. Coeur d'Alene's General Services/Public Works Committee could amend the law to require off-street parking, increase fees for violating the ordinance, and limit the number of permits issued annually.

"We can't have a thousand people rushing to get a permit when we might not allow that many," [Councilwoman Christie Wood told KREM 2 in September.](#)

According to AirDNA, there are about 790 active vacation rentals in Coeur d'Alene that charge an average daily rate of around \$260. However, a large chunk of the rentals may be illegal as city officials [told local news station KREM in November](#) that only 453 vacation rental properties have been authorized.

The debate over vacation rentals in Coeur d'Alene comes at a time when the local housing market is shifting in favor of buyers. The average home value is down more than 6% to just under \$500,000 as of November while the number of homes sold has dropped by more than 35% year-over-year, according to Redfin.

Dallas, Texas

Dallas is one of the fastest growing cities in the nation.

Danny Lehman/ Getty Images

Local leaders on the Dallas City Plan Commission [voted 9-4 on December 8](#) to recommend defining short-term rental properties as "lodging" under the city's zoning code. The move could effectively prevent the properties from existing in Dallas' single-family residential neighborhoods.

The Dallas City Council still needs to approve the recommendation before any enforcement actions can take place. The body could vote on the recommendation as early as January 11, 2023.

Commissioner Claire Stanard, one of the commission members who voted in favor of the proposal, [told the Dallas Morning News](#) that the proposal could help improve public safety. The commission heard several complaints from local residents about "party houses" with loud music and lots of cars during their debate.

"If my granddaughter is living next to a short-term rental or between them, is that really what my son-in-law bought a house to have as his next-door neighbor," Standard said.

According to data from [AirDNA](#), there are more than 5,400 short-term rentals in Dallas. The properties charge an average daily rate of \$165 and they have a 60% occupancy rate.

Other commissioners weren't as convinced that adding new regulations would help solve the problems that city residents are complaining about.

"I don't have any faith that regulation is the sole solution to this problem," Commissioner Melissa Kingston told the Dallas Morning News.

Other cities in Texas like Fort Worth and Arlington have already restricted vacation rental properties from their residential neighborhoods.

Dauphin Island, Alabama

Dauphin Island, Alabama sits on the Gulf Coast near the Louisiana border.

Barry Winiker

Another vacation destination that has imposed limitations on short term rental properties is Dauphin Island, Alabama, a small island off of the gulf coast in Pelican Bay.

In August, Dauphin Island's Planning Commission finalized several STR restrictions in a rewrite of the town's zoning code. The restrictions include limiting where short term rental properties can be located on the island, restricting the number of vehicles that can be parked at a rental property, and imposing a \$75 annual fee for rental property owners.

The new limitations have put residents at odds with one another, [according to a report by AL.com](#). Some claim the properties are improving the island by attracting tourists. Those who want to limit the number of short term rentals say the regulations are striking a balance between business interests and the local community.

"One group will say they are renting out (their house) and the next thing you know is you have eight cars parked all over the yards," Dauphin Island City Councilman Earle Connell, who is also the local liaison for the planning commission, told AL.com in August. "To them, it's a vacation. I understand that. But these people who do that don't understand we have a community and neighborhood that is protected."

There are 574 vacation rental homes in Dauphin Island, and they have a 68% occupancy rate, according to [AirDNA](#).

Dillon, Colorado

Dillon, Colorado is a ski town near Breckenridge.

Brad McGinley

Dillon, Colorado's city council is considering how to move forward with the town's new short-term rental regulations after voters approved a slate of measures aimed at curtailing the properties in November.

Currently, city council members are debating a new ordinance to increase the annual fee charged to short-term rentals from \$50 to \$250 and include new application questions about how the rental unit will be used, [according to a report by Summit Daily](#).

The ordinance comes after voters approved a pair of ballot questions that levy a 5% excise tax on short-term rentals and increased the city's lodging tax from 2% to 6%.

The city – which has just over 1,000 full-time residents – is located in Summit County, home to some of Colorado's favorite ski attractions such as the Breckenridge ski resort, Copper Mountain, and Grays Peak.

Overall, the city estimates that the new taxes could return approximately \$3 million in annual tax revenue. Dillon can collect up to \$4.5 million of this specific tax before triggering a tax refund under state law, [town finance director Carri McDonnell](#) told [Steamboat Pilot & Today](#).

Voters approved the new taxes at a time when Dillon's housing market is soaring. Dillon's median home price has increased more than 30% over the last 12 months to \$915,000, according to [Redfin](#).

Frisco, Colorado

Frisco, Colorado is another ski town near Breckenridge.

Bloomberg Creative

Frisco, Colorado – a small town in central Colorado – capped the number of short term rental properties within its jurisdiction at 900, or 25% of the local housing stock, back in October.

The new regulations also require short term rental landlords to live at their property for at least 10 months out of the year but passed on the opportunity to create a new license for short-term rentals versus traditional rental properties, [according to the Summit Daily](#).

The ordinance could also have a significant impact on tourism in Frisco, which is seen by locals as a cheap midway point between popular resort destinations like Breckenridge and Copper Mountain. Frisco currently levies a 5% excise tax on short term rentals and a 2% lodging tax.

"There are a lot of people very unhappy — as one person had mentioned — with having the short-term rentals next to them because some people might be very careful to who they rent to and how they monitor it, but others are not," [city councilmember Lisa Holenko told Summit Daily](#).

There are currently more than 1,700 STRs in Frisco, according to [AirDNA](#). These properties charge an average daily rate of \$299 and have an average occupancy rate of about 50%.

Lexington, Kentucky

Lexington, Kentucky is home to the world-famous Kentucky Derby horse race.

iStock/Getty Images Plus

Popular tourist towns like Lexington, Kentucky — which is home to the annual Kentucky Derby — are starting to crack down on vacation rentals at a time when their housing markets are growing more competitive by the day.

Lexington's Special Planning and Public Safety Committee is considering requiring Airbnb and Vrbo landlords in the area to acquire a special business license and imposing an additional transient tax on the properties, [according to a report by WKYT](#).

Business owners like Heath Green, co-owner of the Kentucky Life Property Management Group, told the committee that the additional measures could decrease tourism, which is Kentucky's economic bread and butter.

But the measure also comes at a time when real estate values in Lexington are outpacing the national average in terms of home price appreciation. Data from Redfin shows that Lexington's [median home](#)

price has increased 14.4% over the last year up to nearly \$298,000 as of November 2022. That's compared to the national average increase of just 2.6%, [according to Redfin](#).

There are more than 1,200 active vacation rentals in Lexington that charge an average daily rate of \$171 and have an occupancy rate of more than 50%, [according to data from AirDNA](#).

Marco Island, Florida

Marco Island is a barrier island near Naples, Florida.

Marc Frei

Voters in Marco Island, Florida approved an [ordinance](#) on August 23 that created a registration program for short term rental properties and imposed several new restrictions. After months of debate, it was narrowly approved by the local city council in December.

To register a property, short term rental owners must hold a liability insurance policy of at least \$1 million, provide city officials with a phone number that is answered 24-hours per day, and pay a \$50 registration fee.

The ordinance was submitted by a group called Take Back Marco, a nonpartisan political action committee. Ed Issler, who leads Take Back Marco, [told WINK](#) that additional regulations are necessary because short term rental properties have "gotten out of control" on Marco Island. According to data from AirDNA, there are more than 2,400 short term rental properties, which charge an average daily rate of \$329.

Vacation rental property owners have filed a lawsuit to prevent the ordinance from going into effect. David Di Pietro, an attorney representing the property owners, told Gulfshore Business in August that the ordinance is overly restrictive.

"Once this ordinance passes, until you receive the certificate from the city, which means you have to have an inspection from the fire department and the city, you can't rent until that's done," Di Pietro said. "There are over 2,000 rentals and there's nobody doing that job right now. So, we think that it's going to be a ban for an indefinite amount of time."

Montréal

The nighttime skyline of downtown Montréal.

Nicolas McComber/Getty Images

It's not just Americans who oppose the barrage of short-term rentals.

Activists in Montréal, the largest city in Canada's Quebec province, are trying to curb the wave of listings in order to preserve housing for residents.

"In recent years, we have lost thousands of apartments in Montréal to short-term rentals," Cédric Dussault, the spokesperson for the Coalition of Housing Committees and Tenants Associations of Quebec, [told CBC in a May interview](#).

Some restrictions are in place. Currently, in order to rent out a unit, the owner must obtain an establishment number and, in some cases, a classification certificate from Quebec's tourism body. Since May 2020, it is required that operators put the establishment number on any advertisement or posting to rent space. The maximum stay is also capped at 31 days.

Montréal, however, has had a tough time enforcing these regulations.

CBC cited data from independent watchdog group [Inside Airbnb](#) stating that 11,639 Montréal Airbnbs are unlicensed. That's about 95% of them, it estimated.

"The simple story is that the province put a very good set of rules in place, but has not put in any effort to make sure that anybody follows those rules," David Wachsmuth, the Canada Research Chair in Urban Governance at McGill University, told CBC.

New York City, New York

There may be upwards of 10,000 short-term rentals operating illegally in New York City.

Alexander Spatari/Getty Images

Mayor Eric Adams has moved to require Airbnb and Vrbo hosts to register their properties with the city, provide proof that the hosts live in the units with their guests, and show that the property meets local zoning and safety guidelines. The proposal will go into effect in January and hosts who fail to comply could face between \$1,000 and \$5,000 in penalties.

A [report by NPR](#) suggests the policy could remove as many as 10,000 short-term rentals that are operating in the city illegally.

"Currently as is, this is an entirely unregulated market and the consequences have been disastrous for New Yorkers," New York State Assembly Member Zohran Mamdani [said during a hearing about the proposal in early December](#).

Data from AirDNA shows that there are more than 24,500 active short-term rentals in New York that charge an average daily rate of \$234 and are about 75% occupied.

Oahu, Hawaii

The famous Waikiki Beach on the island of Oahu, which brings in nearly half of Hawaii's annual visitors.

M Swiet Productions/Getty Images

In April, Honolulu's mayor, Rick Blangiardi, signed a new law requiring a minimum stay of 90 days for short-term rentals in residential areas on the island of Oahu, in an attempt to curb the sprawl of vacation rentals in the city. [Hawaii News Now reported](#) that the city estimates there are between 10,000 to 14,000 short-term rentals in Oahu.

["This is a historic moment," Blangiardi said at a press conference for the bill](#), which passed the City Council by a vote of 8-1.

The new law applies to the non-resort neighborhoods of Hawaii's most popular island, Oahu, which is home to iconic attractions like Waikiki Beach and Pearl Harbor. Before the pandemic, [the Hawaii Tourism Authority recorded over 6 million visitors to Oahu](#) in 2019, which represented nearly half of all tourism spending for the state.

But local residents complain of tourists overrunning residential neighborhoods, taking away housing opportunities, and causing disturbances.

"Any economic benefits of opening up our residential areas to tourism are far outweighed by the negative impacts on our neighborhoods and local residents," Oahu resident Thomas Cestare said at a City Council hearing, according to [Hawaii News Now](#).

A group of short-term-rental owners [sued the city](#) in June, seeking an exemption for 30- to 90-day rentals that existed pre-ordinance, according to Courthouse News Service. In the suit, the Hawaii Legal Short-Term Rental Alliance said thousands of owners previously operating legally would be "irreparably harmed" by the new 90-day minimum.

In September, the alliance asked for an injunction ahead of the ordinance's planned effective date, October 23, [according to Courthouse News Service](#). The presiding judge deferred the decision, but Courthouse reported the parties asked to meet with the judge before the deadline.

Palm Springs is known for its many golf courses and beautiful weather during the winter months.

Robin Smith/Getty Images

Palo Alto, California

Palo Alto is the home of major tech companies HP, VMware, SAP Labs, and others.

[Shutterstock](#)

One of California's wealthiest cities is planning to limit the number of short-term rental properties in its jurisdiction as it struggles to add new housing units.

Palo Alto's city council voted 5-2 on December 12 to explore creating new regulations on vacation rentals. The council is exploring regulations that range from requiring the properties to be owner-occupied to banning rentals of fewer than 30 days, [Palo Alto Online reported](#).

Data from AirDNA shows that there are 610 short-term rentals in Palo Alto, which attract an average daily rate of \$277 and have a 77% occupancy rate. For comparison, [Zillow's website](#) shows there are just 179 available rental listings in Palo Alto.

"We have more units available through Airbnb through short-term rentals than we do as far as just available rental units in the city," Palo Alto councilmember Greer Stone [told Palo Alto Online](#). "That's a concern. Presumably, every short-term rental unit on the market is potentially a housing unit that someone can be in long-term or permanently."

Other council members noted that limiting short-term rentals in the area could greatly restrict the ability of families who come to town to visit relatives who are being treated at nearby Stanford Hospital.

"If we remove this option, we're really going to be limiting the people who live here and the people who have a pretty legitimate need to come here," said councilwoman Alison Cormack.

Park Township, Michigan

The shoreline of Lake Michigan.

iStock/Getty Images Plus

Starting October 1, 2023, local officials in Park Township, Michigan — which is located about 30 miles due west of Grand Rapids — will start enforcing a town rule that prohibits short-term rental properties in residential neighborhoods.

The ordinance has been on the books since 1974, the town's board of trustees noted as they voted unanimously on the plan during their November meeting. The ordinance still allows short-term rentals in commercial zones just like hotels and motels.

[During the meeting](#), the trustees offered a range of reasons why they support the ordinance, from keeping the peace to preserving the character of the resort town's residential neighborhoods.

Data from AirDNA shows that there are 141 active vacation rental properties in Park Township compared to the 119 homes listed for sale and the 22 homes for rent that are [listed on Zillow](#).

Portland, Maine

Sunset over Portland, Maine.

Mark Bibikow

State legislators in Portland, Maine are considering adding new restrictions on short-term rental properties like Airbnb and Vrbo after voters defeated a ballot initiative that sought to restrict how the properties can operate.

The initiative was submitted by the [local chapter of the Democratic Socialists of America](#), a political organization, and approved by the local city council over the summer. It seeks to prohibit corporate owners of rental properties from owning short term rentals, prohibits evictions for the purpose of converting a property to a short term rental, and increases penalties for properties that don't comply with the law. Voters defeated the initiative by a 55% to 45% margin.

Business owners and some employees formed a political action group called "Enough is Enough" to oppose the initiative, claiming that the Democratic Socialists are manipulating the city's citizen initiated referendum process.

"My biggest issue is, trying to govern the city through referendum I think is a bad idea," said Nick Mavodone, a former city council member and the chairman of the Enough is Enough campaign. "One thing I know is there are a lot of unintended consequences with everything that comes before an elected body, no matter how simple it seems."

Now, lawmakers on the Joint Select Committee on Housing are poised to consider new regulations for short-term rentals when the legislature reconvenes in January 2023, [according to the Portland Press Herald](#).

According to [data from AirDNA](#), there are 766 short term rental properties in Portland and they have an occupancy rate of 74%. These properties are also charging an average daily rate of nearly \$280, which is less than other popular destinations in Maine such as Bar Harbor.

Red Hook, New York

The Kingston–Rhinecliff Bridge in New York's Hudson Valley.

OlegAlbinsky/Getty Images

Red Hook, a small town about two hours north of New York City in the bucolic Hudson Valley region, unanimously passed short-term-rental regulations at the end of 2021.

The new local laws limit the number of days a property can be rented out, establish rules for what type of renting is allowed, and require permits for hosting.

In districts that are heavily residential, only one-bedroom rentals are permitted and are limited to 120 days per year. In less densely residential areas, units with multiple bedrooms are allowed to be rented. They are not capped by a day limit.

No matter its size, the rule says, the home must be the primary residence of the host.

To give a sense of the number of short-term rentals in the broader area, a [search](#) for available Airbnbs for a weekend in June in and around Red Hook, NY, led to more than 300 listings.

Some Red Hook residents have voiced concerns about their town becoming [overrun by weekenders](#) and as a site for party houses.

"With nearly four years of committee and community discussion, input and changes, we hope we've been able to strike a balance between encouraging short-term rentals and protecting residential neighborhoods from conversion," Robert McKeon, the Red Hook town supervisor, [told the Poughkeepsie Journal](#).

Santa Rosa, California

Santa Rosa, California is a town 55 miles north of San Francisco.

Matt Dutcher

The Santa Rosa City Council voted on August 10 to limit the number of STRs in its jurisdiction to 198.

There are currently 581 short term rental properties in Santa Rosa, [according to AirDNA](#), which means that nearly two-thirds of property owners won't be able to continue renting their homes. The new limitations have also pitted neighbor against neighbor in the town that sits 55 miles north of San Francisco.

"My problem is I moved into a residential neighborhood and now I live next to a hotel," resident Bernadette Burrell told the city council in August when they voted on the new cap.

The new cap on short term rentals comes as cities across California move to place restrictions on these properties. Other cities include Lake Tahoe in California's popular wine country, Temecula, and Riverside.

Property owners say the new cap is just another example of city officials "harassing" them and trying to "solve a problem that doesn't exist," [according to a report by CBS News](#).

Rental owners like Gary Lentz told CBS that they try to work collaboratively with neighbors who complain about noise and other issues with their properties. Still, Lentz feels the scrutiny against his business is unjustifiable.

"It's almost unenforceable what these people are trying to do," Lentz said.

Sarasota, Florida

Sarasota, Florida is on the Gulf of Mexico.

krblokhin/Getty Images

The beachy city of Sarasota has become a hotbed for short-term-rental stays — especially in the early spring months.

With 4,923 active listings, [AirDNA](#) listed Sarasota as the No. 3 destination in the country for spring travel in 2022, based nights booked for March and April, behind Orlando and Phoenix. That's notable, considering Sarasota's population of 54,842 is a fraction of Orlando's 307,573 residents and Phoenix's 1,608,139 residents.

The city passed vacation-rental regulations in May 2021. Sarasota now requires a seven-day minimum for stays, and a 10-person maximum for single-family-home stays.

Some residents — like Caitlyn Marriott, who lives in nearby Venice — believe that isn't enough and are advocating for further regulations.

"The county and some small towns tried to initiate some local ordinances to try to put a curb on the effects that it would have on neighbors, but not so much the community as a whole," Marriott said.

Starting June 1, 2022, hosts are required to have a certificate of registration, which costs \$250, from the city in order to rent out property for less than 30 days. Registration is not required for owner-occupied vacation rentals, condos, and rentals that exceed 30 days, according to the city.

Steamboat Springs, Colorado

Mountains rise behind a street in Steamboat Springs, Colorado.

Shutterstock/Rachele A. Morlan

Steamboat Springs, an idyllic ski town in northwest Colorado, passed an ordinance in June that created a 9% tax on short-term rental properties to fund affordable housing developments.

The law was passed as [wealthy out-of-towners continue to make up a majority of buyers](#) in Colorado's resort towns. In 2020, nearly two-thirds of homebuyers in Routt County — where Steamboat Springs is located — hailed from other counties and took home an average salary of approximately \$150,000, according to a [survey](#) by the Colorado Association of Ski Towns.

For comparison, more than 60% of Routt County's workforce earns less than \$150,000 per year, the survey found. Meanwhile, the average home sales price in the county has jumped to nearly \$2 million, a 33.7% increase since June 2021, according to [data from the Colorado Association of Realtors \(CAR\)](#).

"There is not a day goes by that I don't hear from someone ... that they have to move" because they can't afford rent, Heather Sloop, Steamboat Springs' city council president, [told KUNC](#), an NPR affiliate station in northern Colorado. "It's crushing our community."

An [economic impact study](#) commissioned by Airbnb in May shows that there are more than 6,800 short-term rentals listed in Routt County compared to the county's total housing inventory of 16,800 units.

Short-term rental and second-property owners pushed back against the ordinance, saying it could effectively tax them out of the town.

"New people became involved with the politics and the ski resorts and everything, and their goal was to make it a winter and summer destination," Sara Gambino, a local real estate broker, told [Steamboat Pilot & Today](#). "So, they're kind of going back on all the work that went into making the county the destination that it is."

Tybee Island, Georgia

Tybee Island is barrier island in the Atlantic Ocean about a 30-minute drive from downtown Savannah, Georgia.

Jeff Foster/500px/Getty Images

Tybee Island, Georgia, which sits about 20 miles southeast of Savannah along the South Carolina border, passed an ordinance in October that prohibits vacation and short-term rental properties from its residential neighborhoods.

The move comes about 16 months after the local city council initially instituted a moratorium on short term rental properties like Airbnb and Vrbo in August 2021, citing numerous complaints from local residents.

"I've seen my neighborhood change from all permanent residents to over half vacation rentals now," Anna Butler, a Tybee resident since 1994, [told Savannah Now in August](#). "I support the extension of the moratorium so that the new ordinance can be worked out in a fair and equitable manner."

However, not everyone agrees with the ordinance. Tybee Alliance, a local coalition of business leaders, is suing Tybee Island to overturn the ordinance.

"We believe that the city disregarded their own city charter and state law in passing the ordinance by ignoring the basic rules by which a city government is required to provide written notice and written text of a law before they pass it so that the public can review, comment and provide feedback to their elected leaders," Dusty Church, a member of Tybee Alliance, [told local news station WTOC in December](#).

According to [data from AirDNA](#), there are about 1,500 active short-term rentals on the island today. That's compared to the island's total population of about 3,000 full-time residents, according to census data.

Weehawken, New Jersey

Across the river from New York City, short-term stays have been banned altogether in Weehawken, NJ.

TC Franco/Getty Images

Weehawken, New Jersey, sitting on the Hudson River waterfront directly across from Manhattan, banned all short-term rentals in the 15,000-person town at the very end of 2022.

The new law went into effect immediately, impacting stays that ranged from \$80 to \$400 per night on the Airbnb site.

Mayor Richard Turner told the Hudson Reporter that town officials will "examine all the ordinances" other New Jersey communities passed and could one day bring back short-term rentals with stricter regulations. But for now, he believes a ban was necessary.

"Right now we're going to ban them because it really is starting to get out of control," [Turner told the Reporter](#).

Affordable housing was a top motivation, the mayor explained. "We are losing affordable apartments to Airbnb and we decided to take some action because we have several buildings that are getting carried away with it," he told the Hudson Reporter.

Penalties for owners breaking the ban start with \$1,000 for the first infraction and jump to \$2,000 and the possibility of jail time for a third infraction.