

Short Term Rental Warrant Article proposed for the Town of New Salem, Massachusetts General Bylaw Amendment:

Motion: To see if the Town of New Salem will vote to accept the provisions of a proposed General Bylaw to define and regulate the use of residential housing as “Short-Term Rentals” (STR) in The Town of New Salem.

(three (3) pages)

Section 1. Purpose

The purposes of this section are to:

1. To define and regulate commercial use of residential housing as “short-term rentals” in The Town of New Salem.
2. Provide a process through which certain residential premises and rooms within residential premises may be registered and licensed with the Town of New Salem for use as STR.
3. Provide for the orderly operation of STR within the Town’s residential neighborhoods including annual inspections and maintenance of a guest register.
4. Provide for health and safety standards for STR, to minimize public safety risks for guests and visitors and to minimize possible nuisances for abutters.

Section 2. Legislative Intent and Authority

This Bylaw is adopted in accordance with Massachusetts General Laws c.64G, § 14, which authorizes municipalities to enact bylaws to regulate operators of Short-Term Rental, and the Town’s Home Rule authority under the Massachusetts Constitution. Nothing herein shall interfere with the independent authority of the Board of Health, Fire Department or Building Inspector, to enact their own health and safety regulations with respect to short-term rentals facilities.

Section 3. Definitions

1. *Short-term rental (STR):* Any rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days, but not a bed-and-breakfast, lodging facility, hotel, or motel.
2. *Short-term renter:* Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, as a short-term rental.
3. *Owner / Operator-occupied short-term rental:* The STR of a dwelling unit, or of individual bedrooms within a dwelling unit, that is the primary residence of its operator.
4. *Owner / Operator-non occupied short-term rental:* The STR of a dwelling unit that is not the primary residence of the owner / operator, but where the dwelling of the owner / operator’s primary residence is within the Town of New Salem.

Section 4. Requirements

1. The STR may either be an Owner Operator-occupied STR or an Owner Operator-non occupied STR. No more than four bedrooms in the dwelling may be offered for rental. Bedrooms must be rented as part of a single rental contract. Rooms may not be rented separately under separate contracts at the same rental period.
2. *Parking*: Off street parking should be available for each rented bedroom.
3. *Registration*: Short-term rentals in single-family dwellings must register annually with the Town Clerk with location, number of rooms available, and emergency contact information for the owner of the Short-Term Rental property.
4. *Licensing*: All Short-Term Rentals in Single-Family Dwellings shall be licensed by the Board of Selectmen. Failure to obtain a license shall constitute a violation of this Section. The Board of Selectmen may adopt rules and regulations related to the issuance of such licenses, including the fees to be paid and the conditions to be satisfied by any applicant for such a license. Licenses shall be for a one-year term and are renewable at the discretion of the Board of Selectmen. Persons operating a Short-Term Rental in a Single-Family Dwelling shall also comply with all Zoning and Zoning Bylaws of the Town of New Salem, including Bylaws regulating signs. They must also demonstrate compliance with Massachusetts laws and regulations, including but not limited to, the Massachusetts State Building, Plumbing, Electrical, Fire and Sanitary Codes. Proof of commercial rental property insurance must be provided.
5. *Retention of records*. The operator shall retain and make available to the Select Board upon written request, records to demonstrate compliance with this section, including but not limited to: records demonstrating Owner / Operator Occupied STR or Owner Operator Non-Occupied STR and records showing that operator is the owner or valid leaseholder of the residential unit offered as a short-term rental and resides in the Town of New Salem. The operator shall retain such records for a period of three years from the date the residential unit is last registered for a certificate of fitness inspection.

Section 5. Inspections

Short-Term Rentals in Single-Family Dwellings must pass the following inspections: Annual inspection and approval from the Health Department. Annual fire inspection demonstrating adequate egress, smoke detectors, and carbon monoxide detectors, as determined by the Fire Chief or designated fire inspector.

Section 6. Enforcement

The Board of Selectmen or its designee may issue orders as appropriate to aid in the enforcement of this Bylaw and may enforce these provisions in equity, including the request for injunctive relief in a court of competent jurisdiction or enforcement by noncriminal disposition pursuant to G.L. c.40 §21D. Any failure to comply with any order issued hereunder shall result in the issuance of a formal warning. Any failure to comply will result in a fine of \$100. Any failure to comply after the issuance of said final fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such a license should be modified, suspended or revoked.

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Warrant Article proposed for the Town of New Salem, Massachusetts, General Bylaw Amendment for the inclusion of an excise tax on Short-term rentals:

To see if the Town will vote to accept the provisions of M.G.L. c. 64G, section 3A, and impose a local excise tax upon the transfer of occupancy of any room or rooms in a Short-Term Rental (STR) within the Town of New Salem at a rate of 6%. Said excise tax to take effect on the first day of the calendar quarter commencing at least thirty (30) days after such vote of the Town Meeting, or take any action relative thereto.