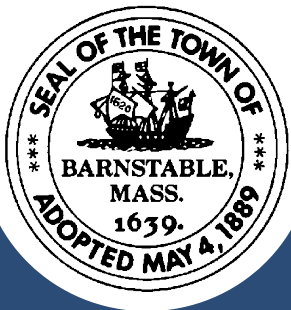


Short Term Rental Regulations

Town Council
February 27, 2020



Short Term Rentals

- The Short-Term Rental Law, Chapter 337 of the Acts of 2018, revised M.G.L. chapter 64G, Section 3A, to include short-term rentals among the list of establishments subject to the local excise tax.
- The Short-Term Rental law defines short-term rental as:
 - An owner occupied, tenant occupied, or non-owner occupied property including, but not limited to, an apartment, house cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

Short Term Rentals (STRs)

- Weekly Rentals ARE a type of STR
 - Anything 30 days or less
- Although vacation rentals have always been a customary use in our community, rentals that last less than a month are now part of what the State has defined as STRs

Short Term Rentals

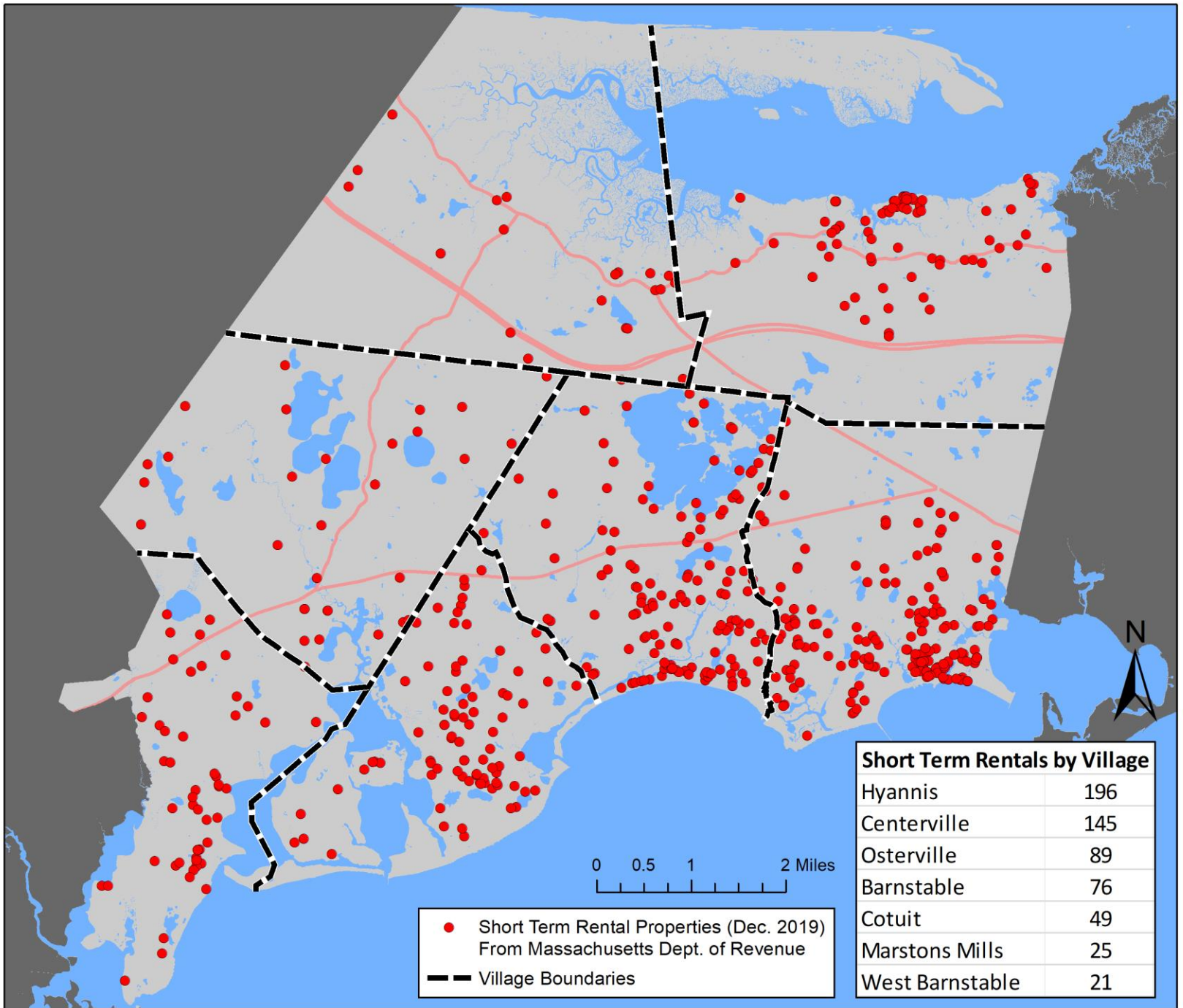
- Governor Baker signed into law January 2019
- STR Tax started July 2019
- Department of Revenue sent the first data to Towns in January 2020
- Currently there are 601 STR's in Barnstable according to the DOR data

Short Term Rentals

- Town Council Zoning & Regulatory Subcommittee tasked with working on this issue
- Town Staff is *supporting* that effort
- Draft Regulations: General Ordinance regulating STRs & Zoning Clarification defining STRs
 - STRs not currently allowed or prohibited anywhere in Town. The term did not exist when current zoning was established
 - STRs are being operated everywhere in town and that is a public concern

Short Term Rentals: Key Facts

- 601 Registered STRs with DOR - Vast majority owned by single owner
 - Less than 5% of STR owners have more than 1 house
 - Only 1% of STR owners have more than 2 houses
- Estimate actual STR number may be closer to 900
 - STR numbers have decreased since tax started

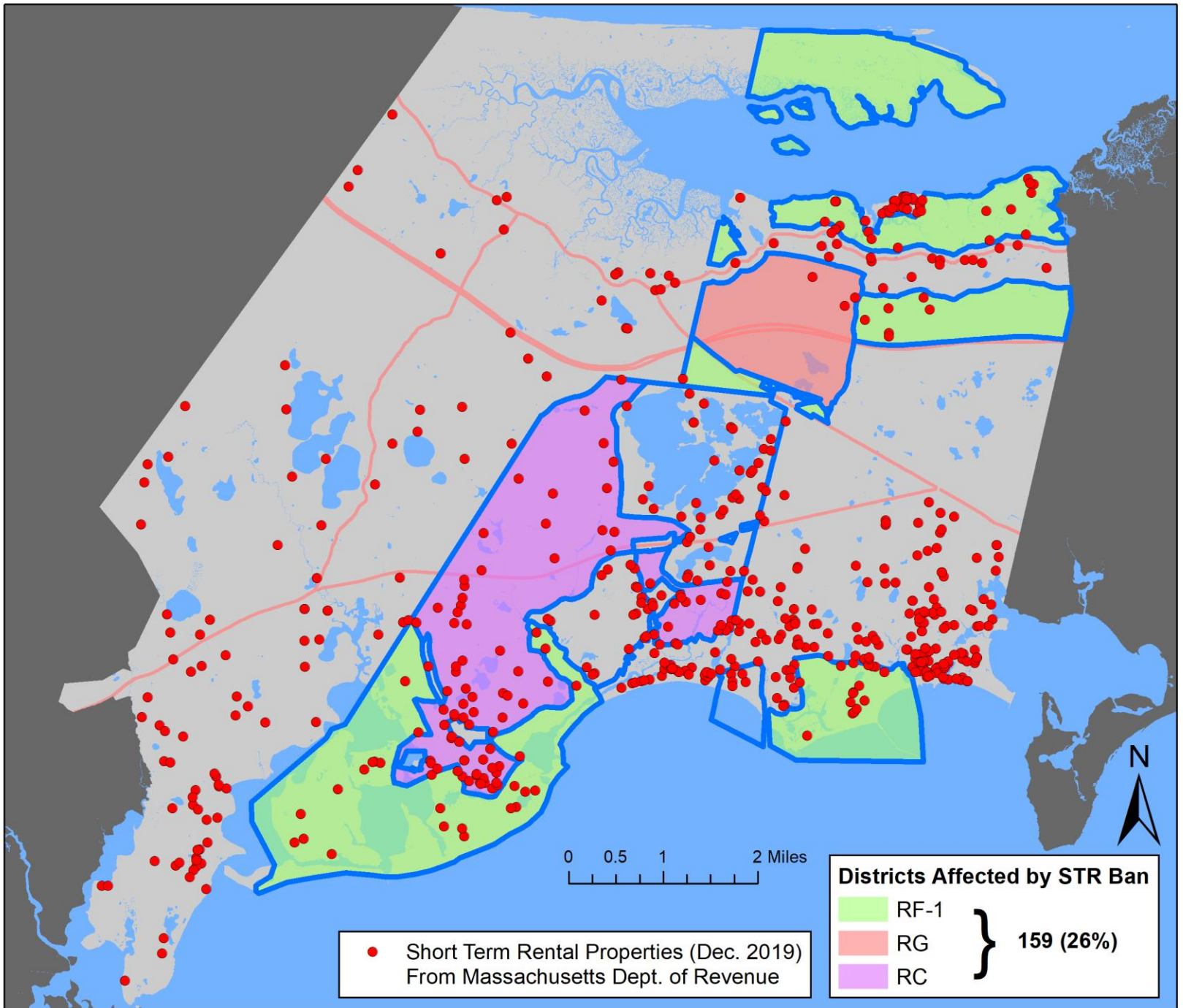


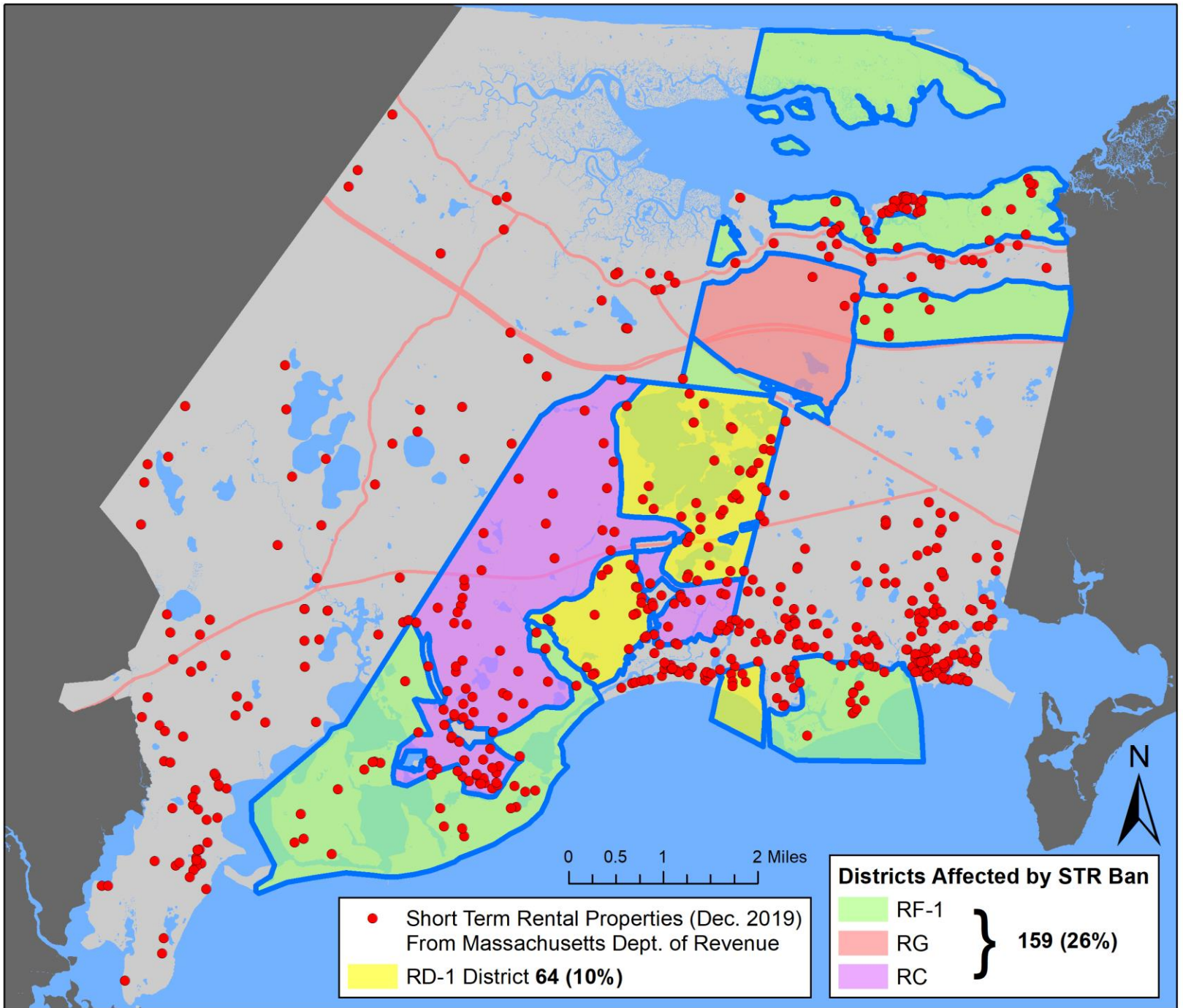
STR Outreach to date

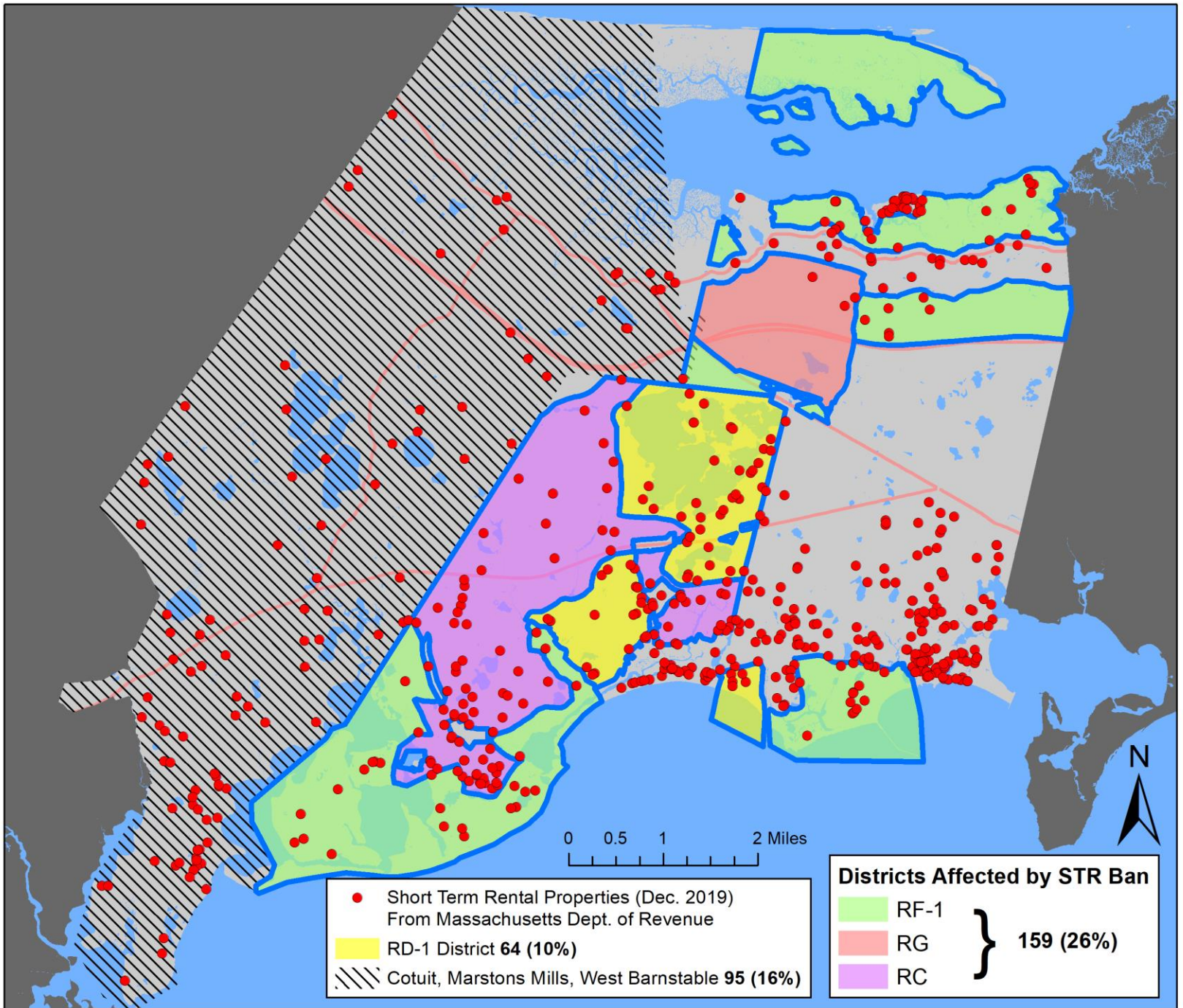
- Centerville Civic Association, Oct 21, 2019
 - Osterville Village Association, Nov 12, 2019
 - West Barnstable Civic Association, Nov 12, 2019
 - Barnstable Village Association, Nov 19, 2019
 - Marstons Mills Village Association, Dec 3, 2019
 - Greater Hyannis Civic Association, Jan 7, 2020
 - Citizen group submitted proposal for consideration at Town Council, Feb 6, 2020
 - Civic Associations met w/Town Manager, Feb 14, 2020
 - Public Input @ Z&R Subcommittee, Feb 20, 2020
- Deliberate, methodical, measured data gathering
Listen to ALL input and do NOT rush the process

Input from Village Associations (February 27, 2020)

- All STR's should be registered and regulated.
- Non-owner occupied STR's are not allowed in residential only zones. Owner occupied STR's would be allowed (traditional cape cod rentals), with occupancy and length of stay limits identified below.
- Town Licenses should be required for any STR. Those found operating without a license would be fined and on subsequent offenses shut down.
- Initially the number of town licenses should be capped at 800 with a quota for each village.
- STR's should have owners that live in the property for a minimum of 3 months a year.
- Occupancy limits currently in our regulations should be enforced to protect neighborhoods and our water supply. We believe the Town's current regulations should be followed which are 2 adult occupants in each of the first two bedrooms and 1 in each bedroom after that, regardless of the sewer status.
- A computerized system should be implemented to record all concerns about a property, whether rental or not, so there is one central place for our resident's concerns; and for our town employees to access information about a property. Properties with multiple complaints should have to respond to authorities with fines and if applicable, loss of the STR license.
- STR should be for a minimum of a week.
- STR should have someone local available 24/7 to be contacted regarding the property. Abutters should be notified how to contact this person.
- We agree with the notifications for large parties but should include all, and not just those that involve a caterer.
- There should be a moratorium on additional STR Licenses above the initial 800 proposed above, until 1 year after the computerized system is operational and the town's ability to enforce the regulations are determined.







of STRs by Village, Zone, Ownership

		RC	RD	RF-1	RG	RD-1*	* Not identified as 1 of 4 zones(why?)
Hyannis	196	1	0	16	0	4	
Centerville	145	27	↓	1	0	59	
Osterville	89	58		26	0	0	
Barnstable	76	0		27	3	1	
Cotuit	49	↓		0	0	0	
Marstons Mills	25			↓	↓	↓	
West Barnstable	21			↓	↓	↓	
TOTAL	601	86		0	70	3	64
Resident Owned		35		19			54 Resident Owned Banned Immediately

Short Term Rentals

- It seems clear that simply allowing or banning STRs across the board is problematic. Similarly, restricting to “family rentals” is problematic.
- General Ordinance vs Zoning (hand in glove)
 - Enforcement timelines, fines, license removal, etc
 - Clarification on being “locked-in”
 - Any ordinance may be changed by 2 reads and a majority vote
 - Any zoning ordinance amended by 2 reads and a 2/3 vote

Short-Term Rentals

- Common Ground:
 - ID all STR's
 - Ensure safety of home, occupants and neighbors
 - Regulate community concerns
- Zoning & Regulatory Committee:
 - Reviewed in-depth details required to regulate common ground – first draft of general ordinance (needed wherever STR's may be allowed)
 - Discussed Policy Issues (caps & limits)
- Full Town Council, Planning Board, others will have input at public hearings and final regulations will likely change

Short Term Rentals: Draft Regulations

- Elizabeth Jenkins, Director of Planning and Development
- Brian Florence, Building Commissioner and Director of Inspectional Services
- Karen Nober, Town Attorney

Draft STR Regulations: Approach

- General ordinance requiring STRs to be licensed and regulated
- Zoning clarification

Draft STR Regulations

- Define STRs and associated terms
 - “A residential dwelling or any portion of a dwelling rented out through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days.”

Draft STR Regulations

- Requires STRs to be licensed with Town
 - Application
 - Fee
 - Renewal (two years)
 - One license, one owner, one STR

Draft STR Regulations

- Contact information: person available within 1 hour of contact, available 24/7

Contact must be:

- Posted within rental
- Made available online

Draft STR Regulations

- Good Neighbor Notices
- Notice to Operators (Hosts)
- Notice to Occupants (Guests) of local regulations

- Templates by Town

Draft STR Regulations

- Occupancy Requirements: 2/bedroom + 2
- Trash Removal: Once/occupancy or once/week
- Parking Restrictions: No parking on front yards
- Prohibit Large Events

Draft STR Regulations

- Inspections
- Smoke & CO detectors

Draft STR Regulations

- Complaints
- Violations & Penalties
 - Includes several tools
 - Ticketing and fine schedule
 - Notices of violation
 - Most Importantly License Suspension/Revocation
- Right to (Local) Hearing
- Judicial Appeals

Draft STR Zoning

- Clarify STRs are a permitted use in lawful residential dwelling units
- Distinguish from “renting rooms” or “lodging houses”

STR Policy Considerations

- Caps on Licenses
 - Per owner
 - In total
- Limits on Stays
 - Bans
 - Limit on weeks/year
 - Minimum Night Stays
 - No additional limits

 - Limits by location

Potential Calendar

- March 5** Zoning & Regulatory Subcommittee
- March 19** First Readings at Town Council
- April 13** Planning Board (zoning recommendation) - *public hearing*
- April 16** Town Council General & Zoning Ordinances - *public hearing*