

Article 26: Amend Zoning By-Law: Add Short-Term Rental By-Law

AMENDED MOTION: That the Town amend the Zoning By-Laws of the Town of Sharon by inserting a new section into the Zoning By-Laws regarding short-term rentals, exactly as printed on pages 56 through 62 of the Warrant for this Annual Town Meeting, with the exception of the following changes (bold and underlined text denotes new language for insertion; bracketed, strikethrough and italicized denotes deleted language as compared to the text printed in the Warrant) and the words “Or take any other action related thereto.”

QUANTUM OF VOTE: 2/3 vote

3.5.2 Short-term rental registration. Registration is required.

1. No owner shall rent, or offer to rent, any Short-Term Rental **for more than fourteen (14) days in any twelve (12) month period** before registering with the Sharon Building Department. No tenant or lessee of an Owner shall let or sub-let a Short-Term Rental unless the Owner consents in writing.

4. **Registration; renewal.** The Sharon Building Department **may** ~~shall~~, per the above sections, issue a certificate of registration which shall expire on the following September 1, provided that the certificate shall be renewed every **year**. ~~[three years. 5. Registration Renewal.]~~ Short-term rental registrations **may** ~~shall~~ be renewed every ~~[three years]~~ **year** and include submission of a new application and payment of the renewal fee, prior to scheduled inspection by the Sharon Building, Health and Fire Departments.

- ~~[6. Fees. The fee for a Short term rental registration or a renewal of a registration shall be \$200.]~~
- ~~[7.]~~ **5. Non-Transferability.** Short-term rental registrations shall be granted solely to an Owner and shall not be transferable or assigned to any other person, legal entity, or address. The registration does not run with the property; it shall be terminated upon the sale or transfer of the property for which the registration has been issued.

3.5.4 Contact information of owner, operator, and/or operator’s agent.

3. The name and contact information of the Operator must be provided, along with the name and contact information of an Operator’s Agent, if different from the Operator, who can respond in person to any issues or emergencies that arise during occupancy within one (1) hour of ~~[contact by Sharon Inspector Building to]~~ **the** complaint/s/ regarding the condition or operation of the Short-term Rental. Contact information must include a telephone number that is available 24 hours per day, 7 days a week to Short-term Rental Occupants and the above-stated public safety agencies. This contact information shall be included in the application for a Short-term Rental Registration and shall be posted conspicuously within the rental unit.

3.5.11 Inspections. Short-term Rentals shall be subject to a mandatory initial inspection and thereafter inspections every ~~[three (3)]~~ year/s/ by the Sharon Inspector of Buildings, Fire Department, Health Department, or other duly authorized authority from the Town.

3.5.12 delete sections 8 and 9 and replace as follows, with section 10 and 11 renumbered as sections 9 and 10
8. Right to Appeal. **A person upon whom a notice of violation has been served may appeal the decision of the Inspector of Buildings for a decision from the Zoning Board of Appeals, which hearing shall be conducted and such decision shall be rendered in accordance with the applicable provisions of sections 8, 11 and 15 of Chapter 40A of the General Laws, as the same may be amended from time to time**

3.5.13 Registration suspension, modification, and revocation. In addition to, and not in lieu of, the **fin**es ~~[penalties]~~ that may be assessed pursuant to this chapter, the Sharon Inspector of Buildings, after notice and public hearing, may suspend, revoke or modify any or all registration approvals issued hereunder to an Owner for violation of these regulations or of any conditions imposed by the Sharon Inspector of Buildings, notwithstanding that a violation may

have been found with respect to one or more, but not all of the registered properties held by an owner. These remedies shall be non-exclusive.

3.5.17 Regulations. The Sharon ~~[Inspector of Buildings]~~ **Select Board** may adopt regulations, policies and procedures for the implementation of this Section.

Definitions to add to Section 11: Definitions

Short-term rentals: For the purposes of Section 3.5, the following definitions shall apply:

Bed and breakfast: A bed and breakfast establishment is a private owner-occupied house where **four (4)** or more rooms are rented, a breakfast is included in the rent and all accommodations are reserved in advance. A bed and breakfast establishment, as defined above, requires registration with **Massachusetts Department of Revenue (DOR)**. A bed and breakfast home is defined as a private owner-occupied house where not more than **three (3)** rooms are rented, a breakfast is included in the rent and all accommodations are reserved in advance. A bed and breakfast home is not subject to ~~[tax]~~ **any additional taxes beyond those otherwise applicable to real estate.** Registration with DOR is not required.

EXPLANATION/RATIONALE:

The proposed amended language is recommended by Town officials responsible for administering the by-law to maintain consistency with other regulations and has been reviewed by town counsel for consistency with state law:

- 1) **3.5.2.** The frequency of registration renewal and inspection is changed from three (3) years to one (1) year to correspond to existing state law and regulations requiring registration of short-term rental units used more than fourteen (14) days in a twelve (12) month period, as well as annual fire code requirements and Board of Health inspection requirements. Sections 4 and 5 are merged. Section 6 (fee schedule) is removed from the proposed by-law so it can be set and amended from time to time by the Select Board acting as the regulatory authority. Section 7 is renumbered accordingly as Section 5.
- 2) **3.5.11.** Removed building inspector as the single point of contact for emergencies and complaints, thereby allowing the complaint to be referred to the appropriate department for response.
- 3) **3.5.12.** Change aligns the by-law with state law which proscribes the appeal procedure.
- 4) **3.5.17.** A board or committee may be granted the authority to promulgate regulations, not an administrative employee.
- 5) Definition of bed and breakfast shows editorial changes and clarifies tax obligations.