

## **Town By-law Article X Section 20C: Short Term Paying Guest in Homes**

**Purpose:** The rental of residential premises to short term paying guests, not otherwise expressly licensed for such purpose by the Town of Manchester by the Sea or other proper authority, shall be allowed only in properties whose owners have obtained an annual license in accordance with the requirements of this by-law from the Board of Selectmen. The licensing process is designed to protect the health and welfare of the short term paying guests, to ensure an orderly and transparent process for operating small-scale rental services, and to protect the tranquility of residential neighborhoods.

**Applicability:** The rental of residential premises to short term paying guests is allowed in owner-occupied residential premises pursuant to being licensed in accordance with this by-law and consistent with the Town's Zoning By-law. Short term paying guests are those who are staying in a dwelling unit for less than 6 consecutive nights. The Board may allow short term paying guests provided suitable accommodations exist as determined by the Board in accordance with this by-law.

**Process:** Every owner of residential premises who offers rentals to short term paying guests must first obtain a license to do so from the Board of Selectmen. Licenses are valid for a calendar year and must be renewed annually. Application for a license can be made at any time but the license shall expire December 31 of the subject year. A completed application will be reviewed and a decision rendered at a public meeting of the Board of Selectmen.

**Applications:** Application shall be made on a form approved by the Board of Selectmen and shall contain sufficient information to determine the scope of the proposed short term rental operation, including location, number of rooms to be rented and whether meals prepared at the house will be served. Completed applications will be reviewed and acted upon within 3 weeks of submittal.

By completing the application form, applicants shall be confirming the following:

1. The property complies with applicable Board of Health regulations and Fire Department safety measures (fire/smoke alarms and CO monitors)
2. Name of a local authorized agent who can act on behalf of the owner in the absence of the owner in the case of any problems, violations or emergencies should they arise while the owner is not present.
3. Agreement to maintain a guest registry showing the name of each guest and the night(s) of their stay. The registry shall be made available for review at any time at the request of the Enforcement Agent and/or Board of Selectmen.

**Application Fee:** The Board of Selectmen annually shall set a fee for applying for a Short Term Guest Rental Home License. Said fee initially shall be set at \$100.

The Board of Selectmen shall grant licenses to those persons submitting applications in compliance with the requirements of this by-law. A license issued under this by-law shall not be deemed to supersede the application of any other lawful requirements

applicable to the use authorized therein, including the necessity of obtaining other licenses or permits.

Owners are encouraged to adhere to guidelines for the short term rental of rooms that the Selectmen shall promulgate from time to time.

**Complaints and Enforcement:**

1. The Board of Selectmen may designate such Town officials as they deem appropriate to carry out the enforcement duties under this by-law. The Town Administrator shall supervise enforcement actions.
2. If the Enforcement Agent, as designated by the Board of Selectmen, concludes that there has been a violation of this by-law or of the conditions of any license issued hereunder, the agent shall send notice ordering cessation of the improper activities to the license holder, by registered mail to the address stated on the initial Application, .
3. If a license holder persists in such violation, the Enforcement Agent may seek enforcement of this bylaw through the mechanisms set forth in Article I, Section 4 of the General By-laws, and the penalty for violations of this by-law shall be a fine of \$300 for each day an offense occurs.
4. In the event that a license holder persists in such violations, the Board may notify the license holder by mail, as above, of a hearing to be held not less than four (4) days thereafter to show cause why said license should not be revoked, and following said hearing, may in its discretion, modify, revoke or amend the license.
5. Upon petition of the property owner and/or license holder, abutters, or upon its own initiative, the Board of Selectmen may hold a hearing to determine whether or not the terms of this by-law, any other applicable state, federal or local law, or the license itself are being complied with, and/or whether or not activities conducted pursuant to a license issued under this bylaw constitute a nuisance or adversely impact the public health, safety or welfare.
6. The Board of Selectmen may, after hearing, mandate licensure, or modify, revoke or suspend a license issued hereunder. In addition, should the Board of Selectmen, after conducting a hearing, determine that a violation has occurred; it may direct the Enforcement Agent to seek enforcement of this by-law as set forth in paragraph 3, above.

**Validity:** The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof. This bylaw shall go into effect January 1, 2017.