

2021 SEP 15 P 1:46

CITY OF AMESBURY, MA



CITY OF AMESBURY
IN THE YEAR TWO THOUSAND TWENTY-ONE

SPONSORED BY: _____ **BILL No. 2021-105**
Kassandra Gove, Mayor

Pam Gilday, District 1, City Council

An Ordinance to establish this zoning ordinance for short term rentals of residential units in the City of Amesbury.

Summary: Like many communities in the Merrimack Valley and on the North Shore, Amesbury is a desirable location to visit. Individual property owners and agencies such as Airbnb and VRBO provide an “away from home” experience by offering residential units to guests as an alternative to the more traditional hotel stay. However, this practice can have a negative impact on community services such as police and fire, disrupt neighborhood peace with noise, traffic, and related issues, and erode a community’s long-term residential rental unit inventory. Therefore, the City of Amesbury shall establish zoning regulations that define the type of residential unit that can be used as a short-term rental in the City of Amesbury, the minimum length of stay for rental agreements for such units, and the residency requirements that must be met by a homeowner in order to offer their residential property as a Short-Term Rental Unit in the City of Amesbury.

Whereas the term *Short-term rental* is defined in MGL Chapter 64G, the City modified the definition relative to short-term rentals allowed in Amesbury.

~~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.~~

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Whereas in addition to the zoning regulations for Short-Term Rental Units as specified in this Short-Term Rental Unit Regulation Ordinance, an annual licensing requirement for all Short-

Term Rental Units in the City of Amesbury must also be met, as specified in City Council bill 2021-093, which is also referred to as the Short-Term Rental Unit License Ordinance.

Be it Ordained by the City Council of the City of Amesbury assembled, and by the authority of the same as follows:

The Amesbury City Council does hereby accept the following zoning ~~ordinance-regulations~~bylaw for all residential properties ~~being considered for allowed use when~~ applying for a Short-Term Rental Unit License in the City of Amesbury.

Section X.X.1 Purpose.

Section X.X.2 Definitions.

Short-term rental: 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 home, investment properties, hotels/motels.

Short-term renter: Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, as a short-term rental.

Short-term rental: 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 home, hotel, or motel.

Short-term renter: Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, as a short-term rental.

Short-term rental operator: The person or persons offering a dwelling unit or bedroom within a dwelling unit, for short-term rental, with the written permission of the owner, condominium association, and homeowners association where applicable.

Operator-occupied short-term rental: The short-term rental of a dwelling unit, or of individual bedrooms within a dwelling unit, that is the primary residence of its operator.

Section X.X.3 Requirements.

Compliance with this bylaw is required by applicants seeking to obtain and maintain a license to offer a residential unit in the City of Amesbury as a Short-Term Rental Unit. All of the following ~~regulations-requirements~~ must be met in order for the Short-Term Rental Unit to be allowed in the City of Amesbury ~~as an allowed use.~~

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Commented [AC1]: Examples are from Lexington, but I highlighted others that I think we should explore in blue below

~~1. The following criteria apply to every zoning classification and zoning district in the City of Amesbury for which residential uses are currently allowed by City of Amesbury zoning.~~

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~~Short Term Rental Units are allowed in the following residential structure types only:~~

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~~A Single family home.~~

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~~B Single family home with attached or detached apartment that is legally rentable to non-family members.~~

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~~Note: The owner's residence and the attached or detached apartment are allowed consideration as a Short-Term Rental Unit.~~

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~~C Duplex or two family home in which the homeowner owns both properties units. The owner's residence and the other co-joined property are allowed as a Short-Term Rental Unit.~~

~~2. The following dwelling units may not be used as short-term rentals:~~

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~~a. Dwelling units designated as affordable or otherwise income-restricted, which are subject to affordability covenants, or are otherwise subject to housing or rental assistance under local, state, or federal programs or laws;~~

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~~Accessory Dwelling Units as defined~~

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~~b. Any dwelling unit in violation of the State Sanitary Code, 105 CMR 410.~~

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~~c. Investment properties.~~

Commented [AC3]: Check into state definition.

~~3. The number of bedrooms made available for rent in a licensed Short-Term Rental Unit shall not be greater than the number of lawful bedrooms in the dwelling unit.~~

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Commented [AC4]: We should confirm this CMR

~~4. The Short-Term Rental Unit can only be available to one renter at a time. Separate bedrooms in a dwelling unit may not be rented to separate parties at the same time.~~

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~~The minimum short term rental length is 5 days.~~

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~~The maximum number of times that a residential unit can be rented in a single calendar year is 4.~~

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~~5. A Short-Term Rental Unit cannot be subleased to a third-party, nor can a sublease of a long-term rental unit be used as a Short-Term Rental Unit.~~

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Commented [AC7]: Is this sublet or subleased?

~~6. Renting for an hourly rate, or for durations of less than ten (10) consecutive hours, shall not be permitted.~~

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7. The homeowner must reside in the single family home or within one of the units in-of the duplex or 2-family home for which they own both properties, for a minimum of 183 days per calendar year. The homeowner-and must provide proof that the residential property is their primary residence.

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Commented [AC8]: It was suggested that instead of the number of days, we should reference the legal tax definition for half a year, or to create legal residence

8. The homeowner must be current with all municipal taxes and water and sewage charges.

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9. All facilities covered by this regulation shall be subject to an annual Fire and Safety Inspection to be conducted by a member of the Amesbury Fire Department and the Building Commissioner or designee

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10. One off-street parking space is required for every Short-Term Rental Unit per lawful bedroom in the short-term rental. In addition, further parking requirements may be required as specified in Amesbury's Traffic and Parking Regulations.

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Section X.X.4 Regulations.

Who enforces? The Inspectional Services Department shall have the authority to promulgate regulations to carry out and enforce the provisions of this Section X.XX "Short-Term Rentals."

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Section X.X.5 Registration

1. All dwelling units, or bedrooms within a dwelling unit, offered for short-term rentals shall register with the City, secure a Short-Term Rental License, ensure the dwelling unit meets health and safety standards, and pay all associated fees. The License shall require the short-term rental operator to agree to abide by the requirements of this Section X.XX.

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2. It is the responsibility of the short-term rental operator to renew its

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Prior to issuing or renewing a license, the Inspectional Services Department shall conduct an inspection to verify that each dwelling unit, or bedroom within a dwelling unit, to be rented to short-term renters meets the requirements of this Section X.XX. Compliance with the above regulations is required by applicants for obtaining and maintaining a license to offer a residential unit in the City of Amesbury as a Short-Term Rental Unit.

3.

6.10.4 REGULATIONS. The Building Commissioner shall have the authority to promulgate regulations to carry out and enforce the provisions of this Section 6.10 “Short-Term Rentals.”

6.10.5 REGISTRATION, INSPECTION AND FEES.

1. All dwelling units, or bedrooms within a dwelling unit, offered for short-term rentals shall register with the Town, secure a Certificate of Registration according to standards set forth by the Building Commissioner, and pay all associated fees. The Certificate of Registration shall require the short-term rental operator to agree to abide by the requirements of this Section 6.10.
2. It is the responsibility of the short-term rental operator to renew its Certificate of Registration on an annual basis or upon change of operator or owner.
3. Prior to issuing or renewing a certificate of registration, the Building and Zoning Office shall conduct an inspection to verify that each dwelling unit, or bedroom within a dwelling unit, to be rented to short-term renters meets the requirements of this Section 6.10.
4. Units shall be annually recorded in the Short-Term Rental Registry for a fee set by the Select Board.

Commented [AC10]: Also from Lexington...how should we do this???

Related Documentation and Reference

The following links are intended for use as informational reference material to those reviewing and acting upon this ordinance and to all those interested in learning more about Short Term Rentals and their legislation in the state of Massachusetts and beyond.

- Jan 2, 2019 FYI - <https://www.mma.org/gov-baker-signs-short-term-rental-bill/>
- Nov 30, 2020 FAQ - <https://www.mass.gov/info-details/room-occupancy-excise-tax>
- Chapter 337 of the Acts of 2018 (to modify MGL Chapter 64G etc) - <https://malegislature.gov/Laws/SessionLaws/Acts/2018/chapter337>
- Amesbury zoning bylaw and zoning map available on Amesbury Planning Board page <https://www.amesburyma.gov/planning-board/pages/zoning-by-laws-and-maps>
- [MGL Chapter 64G](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64G) – Term definitions and more <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64G>
- Related - community impact fee - <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64G/Section3D>
- Related - local room/excise tax - <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64G/Section3A>
- Frequently Asked Questions on Short Term Rentals – Room Occupancy Amendments – <https://dls.gateway.dor.state.ma.us/gateway/DLSPublic/FAQMaintenance/8>