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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 requirements that must be met by a homeowner in order to offer their residential property as a Short-Term Rental 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 specifically allowed in Amesbury.

Whereas in addition to the zoning bylaws for Short-Term Rental Units as specified in this Short-Term Rental Unit 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 bylaw for all residential properties applying for a Short-Term Rental Unit License in the City of Amesbury.

Section X.X.1 Purpose.

The purpose of this section is to outline the requirements necessary for residential dwellings to be registered within the City of Amesbury as Short-Term Rentals. This section is meant to provide for the orderly operation of Short-Term Rentals and ensure they follow health and safety standards.

Section X.X.2 Definitions.

Investment property: Real estate property purchased with the intention of earning a return on the investment either through rental income, the future resale of the property, or both. The property may be held by an individual investor, a group of investors, or a corporation.

Short-Term Rental: Any rental of a residential dwelling, or of a bedroom within a dwelling, 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, or a bedroom within a dwelling, as a Short-Term Rental.

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

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. All of the following requirements must be met in order for the Short-Term Rental to be allowed in the City of Amesbury.-

1. The following criteria apply to every zoning classification and zoning district in the City of Amesbury for which residential uses are currently allowed.
2. The following dwellings may not be used as Short-Term Rentals:
 - a. Dwellings 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;
 - b. Any dwelling in violation of the State Sanitary Code, Chapter II, 105 CMR 410.000.
 - c. Investment properties.

3. The number of bedrooms made available for rent in a licensed Short-Term Rental shall not be greater than the number of lawful bedrooms in the dwelling.
4. The Short-Term Rental can only be available to one short-term renter at a time. Separate bedrooms in a dwelling may not be rented to separate parties at the same time.
5. A Short-Term Rental cannot be sublet to a third-party, nor can a long term rental unit be used as a Short-Term Rental.
- 2.6. Renting for an hourly rate, or for durations of less than ten (10) consecutive hours, shall not be permitted.
7. The ~~homeowner short-term rental operator~~ 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 for a minimum of 183 days per calendar year ~~more than half of the tax year~~. The homeowner ~~and~~ must provide proof that the residential property is their primary residence.
8. The homeowner must be current with all municipal taxes and water and sewage charges.
- 3.9. All facilities covered by this ~~regulation~~ bylaw 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.
- 4.10. One off-street parking space is required per lawful bedroom in the short term rental Short-Term Rental. In addition, further parking requirements may be required as specified in Amesbury’s Traffic and Parking Regulations.

Section X.X.4 Regulations.

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.”

Section X.X.5 Registration

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

2. It is the responsibility of the short-term rental operator to renew its license annually.
3. Prior to issuing or renewing a license, the Inspectional Services Department shall conduct an inspection to verify that each dwelling, or bedroom within a dwelling, to be rented to short-term renters meets the requirements of this Section X.XX.

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
- 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>