

Arlington, MA

Town Bylaw – Regulations Upon Use of Private Property

ARTICLE 18

SHORT TERM RENTALS

(ART.35, ATM – 05/01/19)

Section 1. Purpose

The purposes of this bylaw are to:

- A. provide a process through which certain residential premises and rooms within residential premises not otherwise regulated and licensed as lodging houses or bed and breakfasts may be registered with the Town of Arlington for use as “short-term rentals”;
- B. ensure relevant health and safety standards are met at short-term rentals; and
- C. provide for orderly operation of short-term rentals within the Town’s residential neighborhoods and assess the community impacts of such rentals.

Section 2. Definitions

“Short Term Rental” – 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.

“Operator” – a person operating a short-term rental including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such short-term rental.

Section 3. Applicability & Prohibitions

A. No residential premises may be used as a short-term rental except those in compliance with this bylaw.

B. The following residential housing units are ineligible from being used as short-term rentals:

- 1. Residential premises 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 law;
- 2. Residential units that are the subject of 3 or more findings of violations of this section within a six-month period, or 3 or more violations of any town bylaw or regulation or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct, or other similar conduct within a six-month period; and
- 3. Accessory Dwelling Units as defined by the Zoning Bylaw if permitted in Arlington;

Section 4. Registration, Certifications and Fees

A. Registration Process.

An Operator of a short-term rental shall register with the Office of the Select Board to be listed on the Short-Term Rental Registry, providing all information and certifications required by this bylaw and the Office of the Board, and the registration fee.

Registration shall be valid for a one-year term, from January 1 through December 31 of each year or for such alternative twelve-month period as determined by the Board.

B. Required Information

At a minimum, an Operator shall provide the following:

Operator name, address of each short-term rental unit or units, the number of bedrooms within each unit, Operator's relationship to the unit (i.e. owner, professional manager, tenant, etc.), whether a Residential Unit being offered is within an owner-occupied home, condo, apartment, or two or three family home, and an authorized local agent able to act on behalf of the Operator in their event of their absence.

C. The Operator shall also certify that the short-term rental complies with the all of the following:

1. The State Sanitary Code;
2. Food Safe certification (if serving meals);
3. The Arlington Health Code;
4. Fire and carbon monoxide alarm requirements;
5. Fire escape route requirements;
6. The Building Code, including holding a valid certificate of occupancy; and
7. The Arlington Zoning Bylaw

D. Fees

Units shall be annually recorded in the Short-Term Rental Registry for a fee of \$25.00 per bedroom, per unit.

Section 5. Complaints, Enforcement, and Violations

A. Complaints

A complaint alleging that a short-term rental is in violation of this bylaw or any applicable law, code, or regulation may be filed with Select Board. The complaint must contain the Residential Unit's address, unit number, date and nature of alleged violation(s), and name and contact information of complainant.

B. Review of Complaint.

Within thirty (30) days after receipt of a complaint, the Select Board shall review the Complaint and refer it to the appropriate Town Department, official, Board, or Commission for findings. The Select Board shall not make a determination of a violation under any bylaw, regulation or law vested within

another body or official's jurisdiction, but may utilize such determinations as evidence of a violation of this bylaw.

Upon a finding of a potential violation, the Select Board, or its designee shall serve notice of the violation upon the Operator of the short-term rental at issue, if such unit is listed on the Short-Term Rental Registry, and upon the owner or resident agent or owner of record of the premises at issue, if such unit is not listed on the Short-Term Rental Registry.

C. Right to Hearing.

A person upon whom a notice of violation has been served under this bylaw may request a hearing from Select Board by filing a written petition requesting a hearing on the matter within fourteen (14) days of receipt of a notice of violation. The Board shall render a decision within a reasonable time after the close of hearing. Any direction to correct conditions at the short-term rental and fines assessed shall be stayed until the Board issues its decision.

D. Violations, Suspensions and Fines.

1. Any person who offers a residential premises or units as a short-term rentals, where such premises or unit is not an eligible Residential Unit, or offers otherwise eligible premises or units but has not complied with the registration requirements of this bylaw, shall be fined three hundred dollars (\$300) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

2. Short-Term Rentals found to be in violation of this bylaw, or which are found to have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders, or other requirements, laws or regulations that prohibit operation of the premises as a short-term rental, shall be suspended from the Short-Term Rental Registry and prohibited from operation until all violations have been cured or otherwise resolved.

Section 6. Room Occupancy Excise and Community Impact Fees

Short-term rentals subject to the provisions of this bylaw are subject to the Room Occupancy Excise under G.L. c. 64G and short-term rental community impact surcharge. Operators shall comply with the provisions of said statutes and are responsible for ensuring proper payment to the Commonwealth and the Town of Arlington.