

1. Purpose:

The Town of Otis Short-Term Rental (STR) regulation is intended to preserve and promote the character, history, health and safety of the community at large and individual neighborhoods in the Town of Otis by permitting and licensing short-term rentals that are habitable and safe for occupants and neighbors alike. STR licensing will locate and identify STR's in the community protecting our visitors, residents and neighborhoods. This regulation provides guidance for permitted STR operation.

2. Definitions:

AHJ, Authority Having Jurisdiction: Town of Otis, Board of Health (BOH), Select Board, Building Inspections Department, TBD

Booking Agent: Any person or entity that applies for a permit to license an STR; facilitates reservations, collects payments or is listed as the Emergency Contact for an STR on behalf of or for an Operator. (see Operator's Agent.)

Emergency Contact: An Operator/Owner, Trustee or designee or Booking Agent that is available twenty-four hours/seven days per week and has contact with the Occupant for Fire, Police, Building Inspector, Otis Board of Health.

License for STR: A processed permit to license a dwelling located in Otis MA as an STR for monetary or in-kind gain. The STR license is accompanied by a fee (see Schedule) from the AHJ. The license term runs for one year from January 1 to December 31. A license is terminated upon the sale of a property and must be reapplied for.

Non-conforming waste-water disposal system: MGL 310.CMR 15.000. A Cesspool or cesspit

Non-Owner Occupied STR: A dwelling that is not occupied by an operator/owner, operator/owner adjacent

Occupant: Any person or persons occupying a dwelling unit, a bedroom or bedrooms within a dwelling unit, functioning as a STR for a duration of less than thirty-one (31) consecutive days - that is counted in the calculation for adult occupancy per assessed bedroom.

Operator's Agent: Any person or entity that applies for a permit to license an STR; facilitates reservations, collects payments or is listed as the Emergency Contact for an STR on behalf of or for an Operator. (see Booking Agent.)

Operator/Owner: The natural person who is the owner of the residence that he/she seeks to offer as a STR. Only one owner may be registered as an Operator on the Application for Permit or Provisional Permit to license the STR. No other person may be listed as Operator even if that person is an owner or Trustee and meets the qualifications of primary resident.

Operator/Owner-Adjacent STR: A dwelling unit that is not the primary residence of the Operator/Owner but is located within an owner-occupied residential building (e.g. condominiums or multi-family dwelling) or the Operator/Owner is on the same Town Assessed plat or an abutting plat with at least one contiguous property line and the Operator/Owner actively lives in the condominium complex, the multi-family dwelling or the adjacent dwelling sharing a contiguous property line.

Operator/Owner Occupied STR: A single family dwelling unit of two or more individual bedrooms as verified by the Town of Otis Assessor that is the primary residence of its Operator/Owner and a minimum of one bedroom is occupied by the Operator/Owner. The Operator/Owner actively lives in the dwelling unit during the rental period. A two-family or multi-family dwelling unit where one unit is occupied as the primary residence of the Operator/Owner and the additional unit(s) offered for STR.

Parking: Off-street parking required. The minimum number of off-street parking spaces provided shall be, one (1) parking space per registered bedroom plus one additional space.

Partially Exempt Properties: A STR property which meets the requirements of Operator/Owner Occupied STR, Operator/Owner Adjacent STR or Resident Operator/Owner Non-adjacent STR.

Provisional Permit: A permit for a dwelling with a non-conforming waste water disposal system to be used as STR. A provisional permit will be issued only once and will expire at the end of two years. A STR with a Provisional Permit that wishes to continue renting in any capacity, whether short-term or long-term will have the two-year period prior to expiration to become

compliant with MGL 310.CMR 15.000 Title 5. The process for obtaining a STR license after the expiration of a Provisional Permit will be through an expedited hearing with the BOH.

Resident Operator/Owner Non-adjacent STR: A permanent resident of the Town of Otis who may qualify for partially exempt status for a single (1) Non-adjacent property, short-term rental. This may be in addition to an Operator/Owner Occupied STR and an Operator/Owner Adjacent STR.

Short-Term Rental, STR or STRs: Any rental of a residential dwelling unit, or bedroom or bedrooms within a dwelling unit, in exchange for monetary payment or in-kind non-monetary barter, as residential accommodations for a duration of less than thirty-one (31) consecutive days and rented or exchanged for rental for a period greater than 14 days total within a calendar year.

3. Registration

A Short-term Rental license term is twelve months, from January 1 to December 31 and renewable between December 1 and February 1. New applications or sales of STR registered properties must provide new registrations prior to start of, or re-start of STR. Information to be submitted to the AHJ on the forms provided and must include but is not limited to the information below. Prior to issuance or during the term, an inspection by the AHJ may be conducted to verify the information provided.

a. Owner's Name: As recorded by the Collector with mailing address.

b. Operator's Name: The name and contact information of the local responsible party listed as the emergency contact for the STR. This may be the Owner or the Booking Agent / Hosting Platform.

c. Operator's Agent / Booking Agent: Hosting platform, realtor or other entity.

d. MA DOR certificate of registration. A copy of the Certification of Registration with the Massachusetts Department of Revenue.

e. MA Sanitary Code 105 CMR 410 Compliance: Applicants shall attest under penalties of perjury that a dwelling unit or bedroom offered for STR shall comply with all state and local requirements for health and safety and the Standards of Fitness for Human Habitation as stated in the Massachusetts State Sanitary Code-Chapter ii-105 CMR 410.000 by including at a minimum the following:

- i. Compliance with residential smoke and CO detector law pursuant to MGL c 148 s.26F
 - ii. A fire extinguisher shall be mounted in (or near) kitchens used for the STR in a clearly visible location, or if the unit offers no kitchen, a fire extinguisher will be mounted in a location easily accessible to occupants.
- f. Title 5 or Municipal Sewer Compliance:** Copy of Certificate of Compliance for septic system and any additional documents required, ie; water test reports, system management or maintenance contracts, a copy of a system pumping record within three years if applicable. For properties with no current Certificate of Compliance on file a signed attestation as to the number of bedrooms should be submitted. For sewer users a copy of a quarterly sewer user's tax bill to verify current status.
- g. Number of Bedrooms:** As listed in BOH records.
- h. Water Supply:** Well water used for drinking or cooking (potable) purposes must be tested prior to initial registration and every subsequent 5 years for attachment to the registration form to ensure that it is safe to use for personal consumption.
- i. Parking:** Number of off-street parking spaces provided.
- j. Recycling:** Recycling of household waste is required. Any outside waste containers must be secured. They must be weather proof and animal/rodent proof. Waste and recycling is the responsibility of the owner. Purchase of commercial compactor permit required.

4. Regulations; Safety / Health / Licensing:

- a. Registration and licensing:** All STR operations shall register and be licensed prior to beginning operation. Owners, Operators or Operators Agents may file the application for registration to the AHJ. All documents and fees required must be paid before a license will be issued. Proof of registration with the Commonwealth of Mass Department of Revenue and compliance with Commonwealth insurance requirements must be provided. A registration or license number of the STR will be issued. This number must be used in any advertising, listing or marketing for the STR to identify the unit and occupancy.
- b. STR Code Compliance:** Bedrooms or dwelling units permitted for STR shall comply with 105 CMR 410.000 the State Sanitary Code Chapter II: Minimum Standards for Human Habitation. Owners shall provide, install, and maintain in operable condition smoke detectors

and carbon monoxide alarms in every dwelling that is required to be equipped with smoke detectors and carbon monoxide alarms in accordance with any provision of the Massachusetts General Laws and any applicable regulations of the State Board of Fire Prevention (527 CMR), State Board of Building Regulations (780 CMR), or the Board of Examiners of Plumbers and Gas Fitters (248 CMR). A fire extinguisher shall be mounted in an accessible location in the normal path of travel in or near the kitchen. If there is more than one habitable level, a fire extinguisher shall be mounted on each level in an easily accessible location. In a STR without a kitchen, a fire extinguisher shall be mounted in an easily accessible location to occupants.

- c. Inspection, Non Owner Occupied STR:** Non Owner occupied STR's require an inspection by the AHJ prior to issuance of a STR license and an inspection during the renewal period of each year after to maintain the STR license.
- d. Inspection, Partially Exempt Properties:** Owner occupied, Owner adjacent and Resident Operator/Owner Non-adjacent STR's require an inspection by the AHJ prior to issuance of a STR license. These properties are exempt from continuing renewal inspections.
- e. Inspection, Complaints:** STR's may be subject to inspection by the AHJ which may include, The Board of Health (BOH), Fire Department and or the Building Inspections Department. Inspections scheduled due to complaints from renters, abutting property owners or other aggrieved parties will be scheduled by the AHJ and the Operator /Owner as listed on the registration form. Inspections will be scheduled to the best of the AHJ's ability to accommodate a timely process. Information on the registration provided by the Operator / Owner that is not current or accurate may result in additional violations of the license. Failure to respond or failure to submit current information may result in additional violations and or revocation of the STR license.

5. Additional STR Requirements

a. Maximum Occupancy: The maximum occupancy is 2 adult persons per bedroom plus one (1). Ex: a 2 bedroom STR equals 5 persons occupancy. The Title 5 system design room count may be used to set the maximum occupancy.

b. Bedrooms Available: The maximum number of bedrooms in a STR cannot exceed the number specified in the septic system design specification for the property.

c. Rental Duration: renting for an hourly rate or periods less than eighteen (18) hours is prohibited.

d. Extra Commercial Use: Commercial meetings or group events that exceed the occupancy capacity of the STR license are prohibited.

e. Household Waste: Recycling of household waste is required. Any outside waste containers must be secured. They must be weather proof and animal/rodent proof. Waste and recycling is the responsibility of the owner. Purchase of commercial compactor permit required.

6. Record Keeping: The operator or Operator's Agent shall keep either paper or electronic records of rental activity of the STR. Information shall include but is not limited to, the dates of rental and the number of occupants. Records shall be kept for the duration of the STR operation and for two (2) years after. These records must be produced on demand by the AHJ.

7. Fees: The fees for application submission, issuance of license, annual renewal fee for non-exempt properties and additional required inspection are subject to change at the request of the AHJ to the Select Board.

Fee to submit an application for registration is: \$150.00. This includes the pre-license inspection.

Fee for License issue is: \$500.00.

Annual renewal fee for nonexempt property STR. \$500.00.

8. Penalties: If any Owner, Operator / Operator's Agent or Occupant violates any provision of this by-law the Owner and or the Operator may be subject to civil penalties in accordance with the following.

- First offense: \$100.00
- Second Offense: \$200.00
- Third Offense: \$300.00 and each subsequent offense. Each day a violation occurs constitutes a separate offense.

Violations may result in suspension or revocation of the license.

9. Appeals: Any person aggrieved by a decision of the AHJ may appeal the decision to the Board of Appeals within ten (10) business days of the receipt of the grievance. A Public Hearing will be advertised and notice given as prescribed by the laws of the Commonwealth.

10. Severability: If any provision of this by-law is found to be illegal or unenforceable the remaining sections and all other regulations shall continue in full force.