

CITY OF SOMERVILLE

ORDINANCE NO. 2019-_____

REGULATING SHORT-TERM RESIDENTIAL RENTALS

Be it ordained by the City Council of the City of Somerville, in session assembled, that Chapter 7 of the Code of Ordinances of the City of Somerville, is hereby amended by inserting the following provisions:

Sec. ____ . SHORT-TERM RESIDENTIAL RENTALS

1. *Purpose*

This Section “Short-Term Rentals” is intended to set forth regulations through which certain dwelling units within the City of Somerville may be utilized as short-term rental units. This regulation is designed to allow for the operation of such rentals for Somerville residents, protect the safety of renters and residents, ensure the primary use of such rentals remains residential, and ensure that the operation of such short-term rentals does not create a safety concern or detriment to the surrounding residential neighborhood.

2. *Definitions*

- a. *Booking Agent*: Any person or entity that facilitates reservations of or collects payment for a Short-Term Rental on behalf of or for an Operator.
- b. *Director*: The Director of the Inspectional Services Department (“ISD”) or his or her designee.
- c. *Operator*: A natural person who is the owner, or lessee of the owner of a Residential Unit, that seeks to offer said unit as a Short-Term Rental...
- d.
- e. *Primary Residence*: A residential unit in which an Operator resides for at least nine months out of a twelve-month period. Primary residence shall be demonstrated by showing that as of the date of usage as a Short-Term Rental, the Operator has resided in said unit for nine of

the past twelve months or that the Operator intends to reside in the Residential Unit for nine of the next twelve months, **in accordance with the Proof of Primary Residence requirements set forth below.** ~~as demonstrated by at least two of the following: utility bill, voter registration, motor vehicle registration, deed, lease, driver’s license or state-issued identification, or proof of residential exemption.~~

- f. **Proof of Primary Residence.** A copy of the deed (if owner) or lease (if tenant), driver’s license or state issued identification, as well as one other document showing residency at the Residential Unit for the Short-Term rental, such as: utility bill, cable bill, or motor vehicle registration.
- g. *Residential Unit.* A dwelling unit within a dwelling classified under the Building Code (“Code”) as residential use, as those terms are defined in the Code, but excluding: a congregate living complex, elderly housing, group residence, homeless shelter, orphanage, temporary dwelling structure, and transitional housing. This term shall not include a hotel, motel or any other non-residential use.
- h. *Short-Term Rental.* The rental of a Residential Unit for its intended purpose, in exchange for payment as residential accommodations for a duration of less than twenty-eight (28) consecutive days . Such a rental may or may not be facilitated through the use of a Booking Agent.

3. Applicability. No Residential Unit shall be offered as a Short-Term Rental except in compliance with each of the provisions of this section.

Residential Units Not Subject to Certain Provisions of this Chapter.

- a. ~~Existing Bed and Breakfasts and Tourist Homes.~~ A Residential Unit offered as a Short-Term Rental holding a current and valid Certificate of Occupancy as a Bed and Breakfast or Tourist Home from ISD as of the effective date of this Ordinance, shall be subject to the registration requirements contained herein.

4. Requirements for the Operation of Short-Term Rentals.

- a. *Operator’s Primary Residence.* A Residential Unit offered as a Short-

Term Rental shall be the Operator’s Primary Residence.

- b. *One Party of Renters.* A Residential Unit offered as a Short-Term Rental shall be rented to only one party of short-term renters at a time, not rented as separate bedrooms, beds, or spaces to separate parties.
- c. *Number of Short-Term Renters.* A Residential Unit offered as a Short-Term Rental shall be limited to ten guests, or two guests per guest bedroom, whichever is fewer.
- d. *One Listing per Booking Agent.* A Residential Unit offered as a Short-Term Rental shall not have more than one listing per Booking Agent associated with it.
- e. A Residential Unit offered as a Short-Term Rental shall comply with all standards and regulations promulgated by the Director.
- f. *Short-Term Rental of a Shared Unit.* An Operator may offer bedrooms within their Residential Unit as a Short-Term Rental 365 days per year. One bedroom in the unit shall be reserved for, and occupied by, the Operator during the entire term of the rental.
- g. *Short-Term Rental of an Unoccupied Unit .* Short-Term Rentals shall not exceed in the aggregate, ninety (90) consecutive or nonconsecutive calendar days per year, when the Operator is not occupying the Residential Unit during the entire term of the Short-Term Rental.

~~*Permission of Owner.* An Operator must certify at the time of registration that he or she has the following permissions to offer his or her Residential Unit as a Short-Term Rental:~~

- ~~i. Operator is the owner of the Residential Unit offered as a Short-Term Rental; or,~~
- ~~ii. Operator is a tenant of the Residential Unit offered as a Short-Term Rental and has obtained the written consent of the Residential Unit’s owner to offer the Residential Unit as a Short-Term Rental, and offering such a rental complies with all applicable leases and/or condominium documents, bylaws, or other governing documents.~~

- h. *Rental Period and Use.* Renting for an hourly rate, or for rental durations of fewer than ten (10) consecutive hours shall not be permitted. Commercial meetings and uses are prohibited in Short-Term Rentals.

- i. *No Outstanding Violations.* The Residential Unit offered as a Short-Term Rental shall not 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 the Operator from offering the Residential Unit as a Short-Term Rental. If a violation or other order is issued, upon notice of said violation or order Short-Term Rental use shall be terminated until the violation has been cured or otherwise resolved.

- j. *Three or More Violations in a Six Month Period.* Should a property receive three or more violations within a six month period under this section, or of any municipal ordinance, state law, or building code, ~~license~~ any Residential Unit within the dwelling shall be ineligible to be used as a Short Term Rental for a period of 6 months from the third or subsequent violation..

- k. *Compliance and Interaction with Other Laws.* Operators shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings.

- l. *Retention of Records.* The Operator shall retain and make available to ISD, upon written request, records to demonstrate compliance with this section, including but not limited to: records demonstrating the number of months that the Operator has resided or will reside in Residential Unit, if applicable; records showing consent of the owner of the Residential Unit to the Unit's use as a Short-Term Rental, if applicable; and records demonstrating number of days per year that the Residential Unit is offered as a Short-Term Rental. The Operator shall retain such records for as long as he or she desires to use the Unit as a Short-Term Rental.

5. Penalties; Enforcement.

- a. Any person who offers a unit as a Short-Term Rental, or Any Booking Agent who accepts a fee for booking a unit as a Short-Term Rental, where such unit violates any provision of this Ordinance may be penalized by a noncriminal disposition as provided for in G.L. c. 40, s. 21D. Each day of violation shall constitute a separate and distinct offense. The penalty for each violation shall be three hundred dollars (\$300) per violation per day. The provisions of this section may also be enforced, if applicable, by the Director seeking an injunction from a court of competent jurisdiction prohibiting the offering of the Short-Term Rental. The provisions of this section may also be enforced according to M.G.L. Chapter 40U as accepted by the City of Somerville, also known as the “Green Ticket”. **Nothing herein shall be construed to preclude the City from seeking any additional penalties or taking any additional enforcement action as allowed for by law.**

- b. The Director may enter into agreements with Booking Agents or any other third parties for assistance in enforcing the provisions of this ordinance.

6. Regulations.

The Director shall have the authority to promulgate regulations to carry out the provisions of this Ordinance.

7. Severability.

If any provision in this section shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

8. Effective Date.

The provisions of this Section_____ “Short-Term Rentals” shall take effect on
_____.

APPROVED:

President
Somerville City Council