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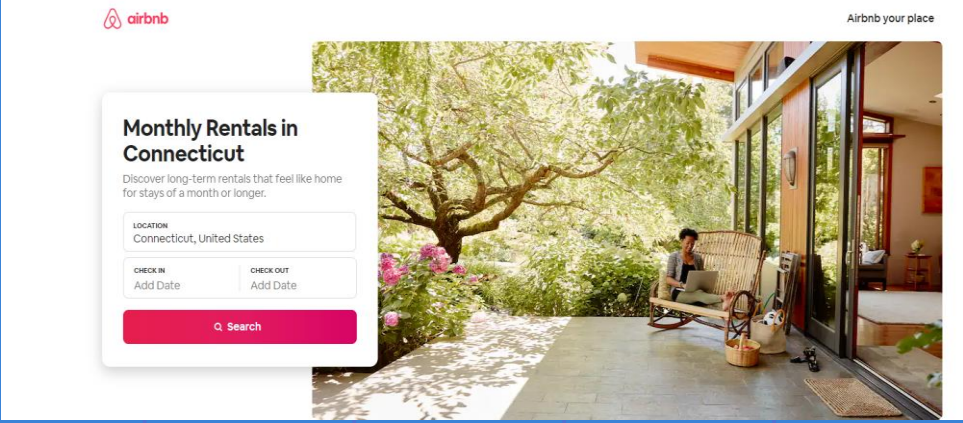
Regulating Short Term Rentals



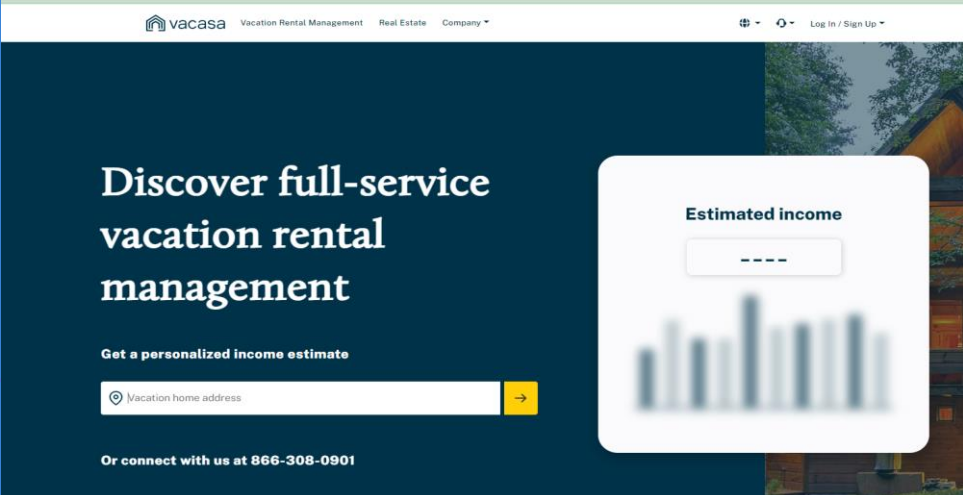
What is a short-term rental?

- Renting of residential property for a period of less than thirty (30) days.
- Several platforms are used for the listing: Craigs List, VBRO, AirBnB, etc.

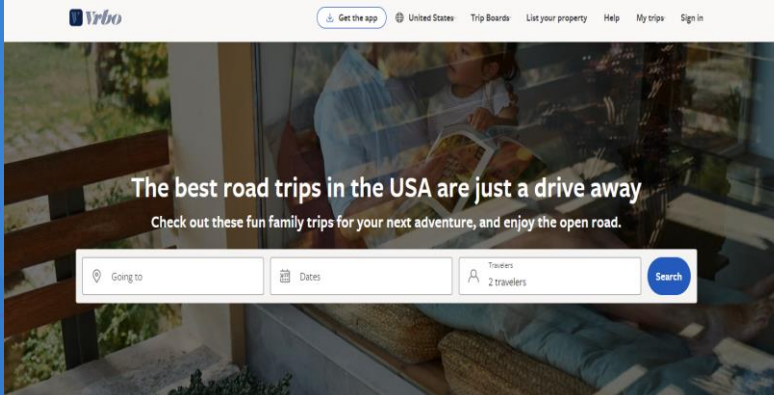
RentCafe®



The screenshot shows the Airbnb website interface. At the top left is the Airbnb logo. On the right, it says "Airbnb your place". The main content area features a search box for "Monthly Rentals in Connecticut". Below the search box, there are fields for "LOCATION: Connecticut, United States", "CHECK IN: Add Date", and "CHECK OUT: Add Date". A pink "Search" button is at the bottom of the search box. To the right of the search box is a large image of a person sitting on a wicker chair on a patio overlooking a lush green landscape.



The screenshot shows the VacaHome website interface. At the top, there is a navigation bar with the VacaHome logo and links for "Vacation Rental Management", "Real Estate", and "Company". On the right, there are icons for "Log In / Sign Up". The main content area features a large heading: "Discover full-service vacation rental management". Below this, there is a section for "Get a personalized income estimate" with a search bar for "Vacation home address" and a yellow arrow button. To the right of this section is a white box titled "Estimated income" containing a bar chart with several bars of varying heights.



The screenshot shows the Vrbo website interface. At the top, there is a navigation bar with the Vrbo logo and links for "Get the app", "United States", "Trip Boards", "List your property", "Help", "My trips", and "Sign in". The main content area features a large image of a family sitting on a patio overlooking a scenic view. Below the image, there is a heading: "The best road trips in the USA are just a drive away". Underneath, it says "Check out these fun family trips for your next adventure, and enjoy the open road." At the bottom, there is a search bar with fields for "Going to", "Dates", and "Travelers: 2 travelers", and a blue "Search" button.

What are the options for regulating short-term rentals?

A zoning regulation could be drafted which would create a regulatory structure for regulating the use.

An ordinance pursuant to Title 7 of the General Statutes could be used instead of zoning regulations.

Pros and Cons for ordinance vs. zoning

The use is a land use, and the zoning commission may want to retain the control on where the uses are permitted

Enforcement, the ordinance option provides communities an avenue for swifter enforcement with more teeth to take away an approval from a bad character.

Simsbury and the Short-Term Rental Ordinance

- The need for regulating the use of short-term rentals came out of enforcement case.
- The owner of 45 Old Farms Road was renting out the home as Airbnb but also allowed the property to be used for functions in addition to residential rentals.



Enforcement

First step- as enforcement of the use became an issue, the zoning enforcement officer researched every listing on the digital platforms for short-term rentals.

1

Second- Each property owner was sent a letter stating that use of short-term rentals was not a permitted use and therefore subject to enforcement actions

2

Third - A specific property continued to violate the regulations and had bookings

Bed and Breakfast/Zoning Option #1

- The owner attempted to apply for a home occupation to operate a bed and breakfast.
- After extensive public hearings, the zoning commission voted to deny the application, stating the use was not a home occupation and because the regulations were permissive that it was not allowed.





Result of Option # 1

- The application for special permit was denied.
- The applicant continued to list the home on AirBnB
- Staff met with Counsel and the Zoning Commission to discuss options of regulating the use moving forward.

Why was ordinance chosen?

The previous application brought up an issue regarding enforcement which counsel and staff felt did not provide the best way to handle enforcement of violations.

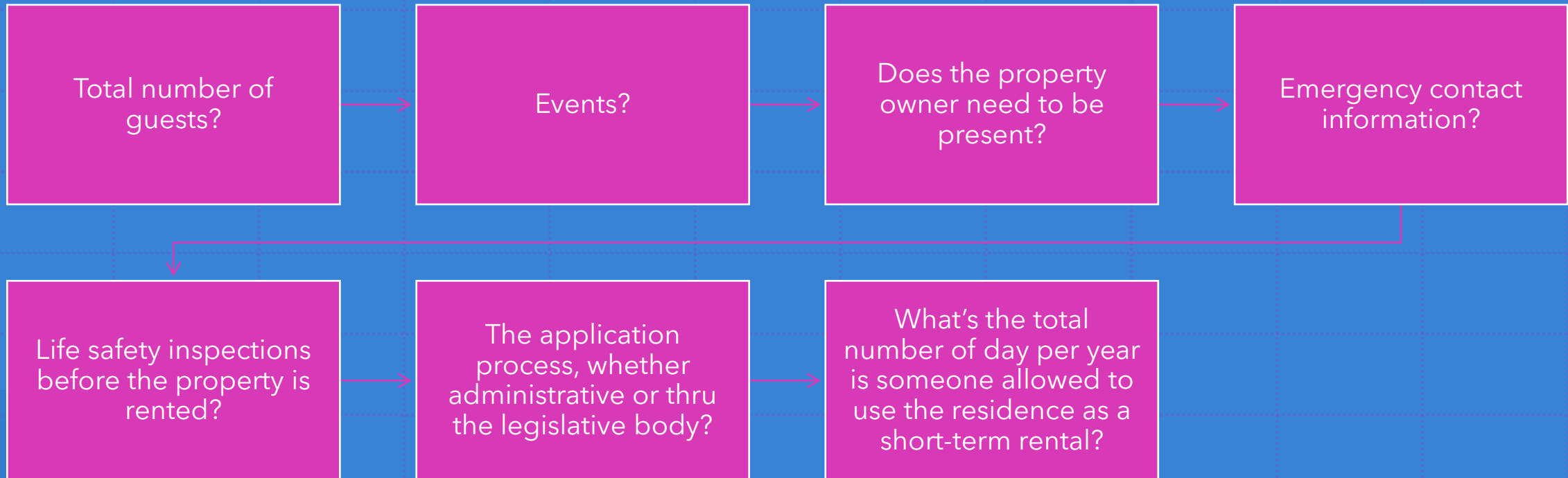
An ordinance was chosen so that enforcement actions would not be drawn out.

The Board of Selectmen form a subcommittee comprised of a member of: BOS, Zoning Commission, Planning Commission, Tourism Board, EDC, Town Planner, Building Official, Health District representative, and representative from Town Managers office.

Working Group Formed

Staff provided the group with ordinances from other parts of the country as a starting point to develop an ordinance.

What are the areas to consider?



Ordinance

TOWN OF SIMSBURY Short-Term Rental Ordinance

Adopted by the Board of Selectmen on November 8, 2021

I. Purpose

- A.** The purpose of this ordinance is to regulate short term rentals in the Town of Simsbury. By establishing these regulations the Town will be able to monitor short-term rental listings in Simsbury and ensure compliance with Town and State rules, regulations and laws that apply.
- B.** This ordinance is adopted pursuant to General Statutes §7-148(b) and §7-148(c)(7).

Terms

II. Definitions

- A. **Occupant:** Any person(s), and their guests, who have entered into an agreement with a property owner for the use of the short-term rental.
- B. **Owner:** Any person(s) who holds the legal right to the property or beneficiary of like estate and uses the property as their legal residence.
- C. **Owner's Agent:** Any person who is 18 years or older and has been identified by a property Owner as a local contact. The Owner's Agent is authorized to act for an Owner who cannot be reached, in a reasonable amount of time, through all means of contact identified on their Short-Term Rental Permit.
- D. **Local:** For the purpose of this ordinance local is defined as a straight line distance of 20 miles.
- E. **Owner Occupied:** During the course of the rental period, the owner (as defined above) is present inside the dwelling.
- F. **Primary Residence:** An owner who spends at least 183 days at their property is defined as a primary resident.
- G. **Short-Term Rental:** Any furnished living space rented by a person(s) for a period of one (1) to twenty-nine (29) consecutive days. A short-term rental must have separate sleeping areas established for guests and guests must have at least shared access to one (1) full bathroom and cooking area.
- H. **Sleeping Area:** A sleeping area is defined as a separate space, with a bed provided that the guest(s) of a short term rental have access to. This area must be inside the dwelling and cannot include: tents, outdoor areas, and/or recreational vehicles. A minimum of 75 square feet of sleeping area per guest shall be provided.
- I. **Authorized Enforcement Agency:** Employees or designees of the town as designated by the Town Manager to enforce this ordinance.
- J. **Event:** A gathering of persons that are occupants of the short-term rental and others that are not guests/occupants. Occasions such as weddings, graduation parties, or other gatherings of people would be considered as an event. Events can be either indoor or outdoor for purposes of this regulation.

Permit process and requirements

IV. Application Process for a Short-Term Rental Permit

A. Application Process

- i. An application form as issued by the Planning and Land Use Department must be completed.
 1. All information entered on the form must be true and accurate to the applicant's knowledge and belief.
 2. The application shall include but not be limited to the following:
 - a. A list of all owner(s) and primary residents of the property, and their contact information.
 - b. Contact information for a Owner's Agent who can be called on in emergency situations if property owner is not responsive.
 - c. The number of separate sleeping spaces made available to guest(s) of the short term rental.
 - d. A signed affidavit attesting to the fact that the Property is in compliance with health and safety rules, zoning and the building and fire safety codes and allowing Town officials the right to perform inspections, both externally and internally, of a short-term rental property when safety violations are suspected.
- ii. A new application fee of two hundred dollars (\$200) shall be collected upon the submission of the completed permit application.
- iii. The Director of Planning and Community Development, or his/her designee, shall approve or deny any application for a short-term rental in the Town of Simsbury.
- iv. An initial safety inspection must be completed by a staff member of the Planning or Building Department before a permit may be issued.

Permit requirements

C. Limit to Amount of Rentals

- i. No owner may rent the property as a short-term rental under the permit for more than one hundred (100) days during any one year period of their short-term rental permit.
- ii. Only one rental permit is permitted per property.
- iii. Only one portion of a residence or accessory dwelling unit can be used at a property.

D. Parking Requirements

- i. The Town shall determine the number of parking spaces required for each property. Each required parking space shall have an area of not less than nine (9) feet by eighteen (18) feet, plus adequate driveways. All required parking spaces shall be located on paved surfaces.
- ii. No renter may park their vehicle on a public street between the hours of 2:00AM and 5:30AM.

E. Neighbor Notification

- i. Within five (5) days after the date of receipt of the application for an initial permit, the applicant shall submit, as part of the application, the name(s) and address(es) of the owner(s) of record of all property abutting or within one hundred (100) feet of the subject property, as listed on the last-completed grand list of the Town of Simsbury.
- ii. Notice of the permit shall be mailed by the applicant to the owner(s) of record of all property within one hundred (100) feet of the subject property not fewer than ten (10) days after application is filed. The applicant shall provide copies of completed certificate of mailings to Planning Department staff for issuance of permit.
- iii. Applications for permit renewals are not required to notify abutting property owner(s) as outlined above.

Property owner

F. Owner Present During Rental Period

- i. The owner of a property has the option of being present while renting their property or renting their property while not being onsite during the rental period.
- ii. If choosing to be offsite during a rental period the owner must provide their contact information to the renter as well as to the Town on their permit. If the owner is unable to be in the local area while renting their property an owner's agent must be identified to the renter and to the town in case of emergencies or situations that may arise during the rental period.
- iii. Failure to provide proper contact information of either the property owner or owner's agent while the owner is offsite may result in the revocation of the Short-Term Rental Permit.

G. Accessory Dwellings

- i. Accessory dwellings, as defined by the Town of Simsbury Zoning Regulations, either attached or unattached, are permitted to be used as short-term rentals provided that:
 1. They meet the same standards set forth in this ordinance as a traditional single family house;
 2. They have at least 1 full bathroom;
 3. They have proper, functioning heating and cooling;
 4. The unit has received a certificate of zoning compliance from the Zoning Commission.

Permit Renewal process

V. Expiration and Renewal Process of Permit

A. Expiration

- i. All short-term rental permits are valid for two years from date issued.
- ii. Permits become invalid at 11:59 PM on the listed expiration date of the short-term rental permit.

B. Renewal Process

- i. An application for renewal of a short-term rental permit must be submitted to the Planning and Land Use Department at least one (1) month but no more than three (3) months before the expiration date of the current permit.
- ii. Applicants must submit the following forms when applying for a renewal:
 1. The previously approved permit;
 2. An updated application, if any requested information has changed in the past year;
 3. A renewal fee of one hundred thirty dollars (\$130);
 4. Copies of sales tax receipts from the previous rental period.
- iii. The Director of Planning and Community Development, or his/her designee, may authorize a renewal inspection of the property before granting a renewed permit. The Director of Planning and Community Development, or his/her designee, may reject an application for renewal.
- iv. A renewal permit may only be applied for if the owner holds a valid short-term rental permit in the previous two year period that was not revoked by staff. Any permit that has lapsed eight (8) or more months between an expired permit and an application for a renew permit will be treated as a new application for a short-term rental permit and should follow the steps in Section IV, A.

Additional general standards

VII. General Standards

A. Maximum Occupancy

- i. The maximum occupancy for a short-term rental unit shall be 6 persons or two persons per each bedroom in the unit, whichever is less.

B. Safety

- i. A short-term rental property must include:
 1. Working smoke and Carbon Monoxide detectors with placement following town/State building codes;
 2. A working fire extinguisher shall be located in the dwelling at all times when the property is being used as a short-term rental;
 3. A clear path of egress is always visible while the property is available for rent;
 4. Properly functioning windows and doors in all livable spaces of the dwelling;
 5. Sleeping accommodations are to the state building code.
 6. Demonstrate compliance with the Town Zoning Regulations, health and safety codes that may apply as determined by the Farmington Valley Health District, the State Building Code and the State Fire Safety Code.

C. Conduct

- i. Short-term rental guests are subject to all relevant town codes and ordinances. It is up to short-term rental owners to notify their guests of any applicable codes and ordinances and to ensure that they are followed.
- ii. Unreasonable noise or other disturbances are prohibited.
- iii. Indoor and outdoor events are prohibited.
- iv. No guest may spend the night sleeping outdoors.
- v. Signage advertising the property as a short-term rental is prohibited.

Enforcement

VIII. Enforcement

- A. The authorized enforcement agency, as defined in Section II, has the authority to determine if a violation has occurred and to issue citations to correct any violation found to exist.
- B. Operating a short-term rental without a valid short-term rental permit, as well as using a property as a short-term rental for anything other than the allowed uses stated earlier in this document shall be a violation of this ordinance.
- C. The Authorized Enforcement Agency has the authority to suspend a short-term rental permit until the owner comes into compliance.
 - i. The Authorized Enforcement Agency or his/her designee, shall give the owner up to thirty (30) days to correct the violations.
 - ii. This suspension will not delay the expiration of an owner's short-term rental permit.
- iii. The Authorized Enforcement Agency, or his/her designee shall have the authority to immediately suspend a short-term rental permit if safety violations are present.
- D. Violations of this ordinance can be assessed fines of up to \$250 in accordance with Section 7-152c of the Connecticut General Statutes.

Appeals and Enforcement

X. Appeals

- A. **Permit Appeals.** An appeal must be received in writing and filed with the Town Clerk's Office within ten (10) business days from receipt of the notice of the written decision. For this purpose, notice shall be deemed received three (3) calendar days from the date of the written decision. Hearing on the appeal before the Hearing Officer shall take place at its next meeting, but not to exceed fifteen (15) business days from the date of receipt of the notice of appeal. The decision of the Hearing Officer shall be final. Denial of a Permit Application or of a renewal application is not appealable.
- B. **Citation Appeals.** Any person receiving a fine may appeal the determination of the authorized enforcement agency. The notice of appeal must be received in writing and filed with the Town Clerk's Office within ten (10) business days from receipt of the notice of the fine. The appeal shall be deemed received by the Town on the first business day following the day it is filed with and received by the Town Clerk's Office.
- C. Hearing on the appeal before the Hearing Officer shall take place in accordance with General Statutes §7-152c.
- D. The decision of the Hearing Officer may be appealed to Superior Court in accordance with General Statutes §7-152c(g).

Ordinance Option

- Regulating the use by a licensing ordinance gives the community certainty as it relates to enforcement
- The process is outlined for the applicant both permitting and enforcement so it becomes clear for the parties involved.
- Revoking of approvals becomes an easier process if there is a need to take a permit away due to noncompliance.



Questions? Thank you

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