



**CITY OF AMESBURY
IN THE YEAR TWO THOUSAND TWENTY-ONE**

SPONSORED BY: _____ **BILL No. 2021- 093**
Kassandra Gove, Mayor

Pam Gilday, District 1, City Council

An Ordinance to establish a licensing process for short term rentals of dwellings 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 dwellings 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 an annual licensing process that controls, through permitting, how Short-Term Rentals are allowed 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 licensing of Short-Term Rentals as specified in this Short-Term Rental License Ordinance, an Amesbury zoning bylaw, (referred to as the Short-Term Rental Bylaw) shall regulate the conditions under which a dwelling be allowed for licensed use as a Short-Term Rental in the City – including requirements such as minimum length of stay per rental agreement, number of leasing agreements allowed per year, homeowner residency conditions, and so on as specified in that Short-Term Rental Bylaw.

Whereas the licensing details of this Short-Term Rental License Ordinance to establish a licensing process for short term rentals of dwellings in the City of Amesbury are specified within this ordinance document.

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 all provisions, criteria, and language as specified in this Short-Term Rental License Ordinance for the annual licensure of Short-Term Rentals in the City of Amesbury.

If a homeowner owner intends to use their residential property as a Short-Term Rental in the City of Amesbury, whether it is offered for rent through a professional or third-party agency or by themselves directly, they *must first* apply for and obtain a license from the City of Amesbury *and* the property must meet and maintain the requirements set forth in this Short-Term Rental License Ordinance and its related Short-Term Rental Bylaw and remain in compliance with all applicable laws, rules, and regulations governing short term rentals in the City of Amesbury and state of Massachusetts including those specified for Short-Term Rentals in [MGL Chapter 64G](#).

Short-Term Rental License Ordinance

Provisions of this Short-Term Rental License Ordinance to establish a licensing process for short term rentals of dwellings in the City of Amesbury

The Provisions of this Short-Term Rental License Ordinance to establish a licensing process for short-term rentals of dwellings in the City of Amesbury are as follows.

Short-Term Rental Licensing

All properties being considered for Short-Term Rental licensure must meet the qualifying regulations specified in the Short-Term Rental Bylaw.

Licensed properties are subject to an annual licensing application fee, payable by the property owner to the City of Amesbury. The fee price is subject to the same approval process as other business licensing fees in the City of Amesbury.

All short-term rental agreements that the property owner engages in must be reported to the City of Amesbury for the purpose of Board of Health records and local and state excise tax purposes.

Process. The annual licensing process is as follows:

1. No property owner shall offer or use a dwelling as a Short-Term Rental without submitting an annual license application, paying the annual license fee, and receiving notice (in writing) that the annual Short-Term Rental License has been approved by the licensing board (or their designated staff member or department).
2. A license for operation of said Short-Term Rental shall be valid for one (1) year from the date that a license is issued.
3. As part of the application for a Short-Term Rental License, the property owner shall also certify under penalty of perjury that he/she is aware of all applicable laws, rules and regulations and will abide by and comply with all the requirements of the license, and any applicable laws, ordinances, rules and regulations, including without limitation this Ordinance and the City's Zoning Bylaw.

4. A property owner who obtains a license to use his/her dwelling as a Short-Term Rental shall be issued a registration number by the licensing board. The registration number shall be recorded with the license application in the City's Short-Term Rental Registry. Note: The registration number may match or otherwise be associated with the Short-Term Rental registration number that the homeowner has secured through the MA Department of Revenue (DOR) when they register or registered with that entity, as is required under [MGL Chapter 64G](#).
5. The licensing board shall make each addition to the Short-Term Rental Registry available electronically via the City of Amesbury website within thirty (30) days of such addition.
6. Each potential Short-Term Rental shall receive a health and safety inspection by the Amesbury Inspectional Services Department and Amesbury Board of Health. If the short-term rental is a bedroom in a dwelling, the entire dwelling needs to pass the health and safety inspection.
7. A separate Short-Term Rental license shall be required for each Short-Term Rental. If a property includes more than one Short-Term Rental (i.e., individual bedrooms), each Short-Term Rental shall be required to be licensed individually.
8. No Short-Term Rental license shall be granted without the applicant signing an agreement that they have read this ordinance as well as the related Short-Term Rental Bylaw.

Application Components. Each Short-Term Rental license application shall include all the following information, none of which may be waived by the licensing board:

1. Name of property owner applicant (aka homeowner).
2. Evidence that the applicant is the property owner of record or in the case of a Trust or entity, that the applicant is authorized to act for that trust or entity in applying for that license.
3. Address of the dwelling, including any appropriate unit numbers or letters.

4. Contact information for the property owner and his/her designee (if applicable) that can be contacted in case of emergency.
5. Evidence that the dwelling is the property owner's primary residence.
6. Registered Massachusetts Department of Revenue (DOR) identification number for the Short-Term Rental.
7. Survey and/or plot plan that indicates:
 - i. Existing structure(s) at the property.
 - ii. Location of proposed Short-Term Rental.
 - iii. Location of on-street and off-street parking area(s).
8. Interior layout plan(s), highlighting:
 - i. The bedroom(s) proposed for use by Short-Term Rental guests, the property owner, and any other person in the dwelling.
 - ii. Fire and carbon monoxide detection for the Short-Term Rental, including, but not limited to, the location of all smoke and carbon monoxide detectors, the location of all fire extinguishers, and any other information deemed necessary by the compliance officer and/or Fire Prevention Officer to establish compliance with applicable building and/or fire safety codes.
9. A copy of the property's liability insurance policy.
10. A copy of the health and safety inspection report.
11. Proof that there are no outstanding fines, local taxes, fees, assessments, betterments or other municipal charges owed to the City regarding the property.

Application Fee. A licensing fee of two-hundred dollars (\$200) per Short-Term Rental shall be due with each annual application.

Annual Registration Renewal. Each Short-Term Rental must be re-licensed/re-registered by the property owner annually prior to its license and registration expiration date. An application for a license renewal shall include all information required to be provided with an original application for a license.

Required Communications to Guests of Licensed Short-Term Rentals. The property owner shall provide each guest with a community information card that provides contact information for the Amesbury police and fire department, the general noise policy of the community, the

allowed parking parameters for the property, the location of smoke and carbon monoxide detectors, and information about trash and recycling disposal and pickup.

Noise and Nuisance Considerations. While Amesbury does not currently have a codified general noise ordinance, a common rule of thumb on quiet hours is between 10PM and 7AM.

- Noise or nuisance issues that constitute license violations may subject the property owner to license revocation.
- In addition to the parking requirements of this ordinance, the use of the Short-Term Rental shall be in compliance with the *Amesbury Traffic and Parking Regulations*, which are available on the Amesbury Traffic and transportation Committee webpage at <https://www.amesburyma.gov/traffic-transportation-committee>.
- For Short-Term Rentals that violate any applicable laws, ordinances, rules or regulations, revocation and/or non-renewal of license is possible. See the *Penalties and City Actions for Non-Compliance* section for information.

Penalties and City Actions for Non-Compliance. Complaints shall be made to the Inspectional Services Department and investigation shall commence within 30 days. Violations may, at the compliance officer's discretion, result in a warning or the maximum appropriate fine. Three (3) or more complaints within a six (6) month period will result in the dwelling or bedrooms in the dwelling no longer being eligible to that property owner for use as a Short-Term Rental for a period of six (6) months following the most recent violation.

Violations may include but are not limited to:

- Offering an ineligible dwelling or bedroom for lease
- Violation of any applicable law, ordinance, rule, or regulation
- Failure to observe the limitation of days per year
- Failure to include required parking information
- Violation of parking requirements
- Noise complaints
- Trash complaints
- Failure to furnish a community information card to guests or furnishing one without the required minimum information
- Failure to remit any required excise tax or surcharge as required by law
- Failure to pay property taxes or surcharges on the property

Property owners who are found to be out of compliance with the requirements of this Licensing Ordinance and/or its related Short-Term Rental Bylaw by the enforcement agent or their designee are subject to fines and penalties, including immediate revocation of their Short-Term Rental License, and one or more of the following:

- A fine of \$250/day for each individual day that is out of compliance to be levied by the City of Amesbury against the property owner.
- Immediate revocation of the property owner's Short-Term Rental License by the enforcement agent (Inspectional Services Department as warranted).

Should the Short-Term Rental License be revoked, the property may not be in any way used as a Short-Term Rental until a new license is applied for and granted by the licensing board. No such license shall be granted to long as the property is in violation of any requirement of this Ordinance or any applicable law, ordinance, rule, or regulation.

No Outstanding Violations. For a dwelling to be offered as a Short-Term Rental it shall not be subject to any outstanding municipal liens; building, sanitary, zoning, or fire code notices of violation; orders of abatement; enforcement orders; stop work orders; or be in violation of any other, laws, ordinances, rules or regulations applicable to the property. If a notice of violation or other order is duly issued after the dwelling has been listed in the City's Short-Term Rental Registry database, the licensing board or its designee, shall suspend the license of the Short-Term Rental until the corresponding violation has been cured or such order is otherwise resolved to abate any violations of law or regulation. For ease of enforcement, any city officer or department issuing said notice of violation or other order shall notify the licensing board or their designee in writing of the nature of the violation and its resolution, if any, within five (5) business days of such issuance and/or resolution.

Compliance with Other Laws. Property owners who obtain a Short-Term Rental License shall comply with all applicable federal, state and local laws, ordinances, rules and regulations, including, but not limited to, the Fair Housing Act, state and local equivalents and regulations related to fire codes, health codes, zoning ordinances, and all other regulations applicable to dwellings, including [MGL Chapter 64G](#).

Retention of Short-Term Rental Lease Records. The property owner shall retain and make available to the licensing board, or its designee, upon written request, records to demonstrate compliance with all provisions of this Short-Term Rental Bylaw including but not limited to: documentation of the number of days that property owner has resided during the past year and/or will reside in the dwelling in the year of registration; legal instruments evidencing that the property owner is the record owner of the dwelling offered as a Short-Term Rental; and

documentation of the number of days during the year of registration that the dwelling was offered and actually used as a Short-Term Rental. The property owner shall retain such records for a period of three (3) years from expiration of the annual license to which they relate.

Effective Date

The provisions in this Short-Term Rental License Ordinance shall take effect 30 days after City Council approves the Short-Term Rental Bylaw.