



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

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**SPONSORED BY:** \_\_\_\_\_ **BILL No. 2021- 093**

**Kassandra Gove, Mayor**

*Pam Gilday*

**Pam Gilday, District 1, City Council**

*amended  
version  
July 2, 2021*

**An Ordinance** to establish a licensing process for short term rentals of residential units 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 residential units 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 Rental Units are allowed in the City of Amesbury.

**Whereas** the term *Short-term rental* is defined in [MGL Chapter 64G](#) as *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.*

**Whereas** in addition to the licensing of Short-Term Rental Units as specified in this Short-Term Rental Unit License Ordinance, an Amesbury zoning ordinance, (referred to as the Short-Term Rental Unit Regulation Ordinance) shall regulate the conditions under which a residential unit 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 Unit Regulation Ordinance.

**Whereas** the licensing details of this Short-Term Rental Unit License Ordinance to establish a licensing process for short term rentals of residential units 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 Unit License Ordinance for the annual licensure of Short-Term Rental Units in the City of Amesbury.

If a homeowner owner intends to use their residential property as a Short-Term Rental Unit in the City of Amesbury, be that unit 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 Unit License Ordinance and its related Short-Term Rental Unit Regulation Ordinance 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 Rental Units in [MGL Chapter 64G](#).

## **Short-Term Rental Unit License Ordinance**

### **Provisions of this Short-Term Rental Unit License Ordinance to establish a licensing process for short term rentals of residential units in the City of Amesbury**

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

#### **Short-Term Rental Unit Licensing**

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

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.

The annual licensing process is as follows:

1. No property owner shall offer or use a residential unit as a Short-Term Rental Unit without submitting an annual license application, paying the annual license fee, and receiving notice (in writing) that the annual Short-term Rental Unit 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 Unit 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 Unit 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 Ordinance.
4. A property owner who obtains a license to use his/her residential unit as a Short-Term Rental Unit 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 Unit 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 Unit Registry available electronically via the City of Amesbury website within thirty (30) days of such addition.
  6. Each potential Short-Term Rental Unit shall receive a health and safety inspection by the Amesbury Inspectional Services Department and Amesbury Board of Health.
  7. A separate Short-Term Rental Unit license shall be required for each property for which a property owner intends to offer as a Short-Term Rental Unit.
  8. No Short-Term Rental Unit license shall be granted without the applicant signing an agreement that they have read this ordinance as well as the related Short-Term Rental Unit Regulation Ordinance.
- a. Application.** Each Short-Term Rental Unit 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 residential unit.
  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 residential unit is the property owner's primary residence. (as defined in Amesbury's Short-Term Rental Unit Regulation Ordinance).

6. Short Term Rental Unit category (as defined in Amesbury's Short-Term Rental Unit Regulation Ordinance).
  7. Registered Massachusetts Department of Revenue (DOR) identification number for the Short-Term Rental Unit.
  8. Survey and/or plot plan that indicates:
    - i. Existing structure(s) at the property.
    - ii. Location of proposed Short-Term Rental Unit.
    - iii. Location of on-street and off-street parking area(s).
  9. Interior layout plan(s), highlighting:
    - i. The bedroom(s) proposed for use by Short-Term Rental Unit guests, the property owner, and any other person in the residential unit.
    - ii. Fire and carbon monoxide detection for the Short-Term Rental Unit, 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.
  10. A copy of the property's liability insurance policy.
  11. A copy of the results of the health and safety inspection.
  12. Proof that there are no outstanding fines, local taxes, fees, assessments, betterments or other municipal charges owed to the City regarding the property.
- b. Application Fee.** A licensing fee of two-hundred dollars (\$200) per Short-Term Rental Unit shall be due with each annual application.
- c. Annual Registration Renewal.** Each Short-Term Rental Unit 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 Rental Units**

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 Unit 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 Rental Units 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 licensing board or its agent, the Inspectional Services Department, and/or the Board of Health 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 unit no longer being eligible to that property owner for use as a Short-Term Rental Unit for a period of six (6) months following the most recent violation.

Violations may include but are not limited to:

- Offering an ineligible unit 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 Unit Regulation Ordinance by the enforcement

agent or their designee are subject to fines and penalties, including immediate revocation of their Short-Term Rental Unit 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 Unit License by the enforcement agent (Inspectional Services Department or Board of Health as warranted).

Should the Short-Term Rental Unit License be revoked, the property may not be in any way used as a Short-term Rental Unit 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 residential unit to be offered as a Short-Term Rental Unit such unit 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 residential unit has been listed in the City's Short-Term Rental Unit Registry database, the licensing board or its designee, shall suspend the license of the Short-Term Rental Unit 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 Unit 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 residential units, 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

Unit Ordinance 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 residential unit in the year of registration; legal instruments evidencing that the property owner is the record owner of the residential unit offered as a Short-Term Rental Unit; and documentation of the number of days during the year of registration that the residential unit was offered and actually used as a Short-Term Rental Unit. 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 Unit License Ordinance shall take effect 30 days after City Council approves the Short-Term Rental Unit Regulation Ordinance.

## Related Documentation and Reference

The following links are intended for use as informational reference material to those reviewing and acting upon this ordinance and to all those interested in learning more about Short Term Rentals and their legislation in the state of Massachusetts and beyond.

- Jan 2, 2019 FYI - <https://www.mma.org/gov-baker-signs-short-term-rental-bill/>
- Nov 30, 2020 FAQ - <https://www.mass.gov/info-details/room-occupancy-excise-tax>
- Chapter 337 of the Acts of 2018 (to modify MGL Chapter 64G etc) - <https://malegislature.gov/Laws/SessionLaws/Acts/2018/chapter337>
- Amesbury zoning bylaw and zoning map available on Amesbury Planning Board page <https://www.amesburyma.gov/planning-board/pages/zoning-by-laws-and-maps>
- [MGL Chapter 64G](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64G) – Term definitions and more
- Related - community impact fee - <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64G/Section3D>
- Related - local room/excise tax - <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64G/Section3A>
- Frequently Asked Questions on Short Term Rentals – Room Occupancy Amendments – <https://dls.gateway.dor.state.ma.us/gateway/DLSPublic/FAQMaintenance/8>