

7/19/22 Internal notes: need to determine the chapter #; put into General Code format; send to Granicus for review

7/20/22: Adjust wording for “potential Renters” and insurance requirements.

REGULATIONS GOVERNING SHORT-TERM RENTAL PROPERTIES

REGULATION XX.00

XX.01 -- Authority

The Board of Health, with the approval of the Select Board, promulgates these Regulations pursuant to § 123-4 of the General Bylaws of the Code of the Town of Nantucket and Massachusetts General Laws c. 64G, §14.

XX.02 -- Purpose

These regulations are promulgated to provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town, and to ensure that such Short-Term Rentals do not create or cause a nuisance to the surrounding neighborhood due to unreasonable noise, the creation of public health and safety issues associated with traffic and parking congestion, or any other nuisance conditions.

XX.03 -- Effective Date for Short-Term Rental Registration Required

As of January 1, 2023, no person shall operate a Short-Term Rental (as defined in § 123-4) without having first obtained a Certificate of Registration from the Board of Health. The Certificate of Registration must be renewed annually by November 1st.

XX.04 -- Procedure for Obtaining Certificate of Registration

- A. Applicants for a Short-Term Rental Certificate of Registration shall submit an application on a form included as Attachment 1 to these Regulations.
- B. The annual fee of \$150 per unit for such Certificate of Registration shall be submitted with the application.
- C. All applicants must submit the following information and documentation with the application for a Certificate of Registration:
 1. Ownership information, as set forth in the application form, including but not limited to the legal form of ownership, whether the unit is a professional managed unit as defined in General Laws chapter 64G. The form shall also include the mailing address and contact information, and authorization from Owner to short-term rent the property if the Owner is not the proposed Operator;

2. The address of the proposed short-term rental and a description of the premises including square footage per records of the Nantucket Assessor, and number of bedrooms, bathrooms and parking spaces;
 3. A copy of the Certificate of Registration currently on file with the Massachusetts Department of Revenue;
 4. The name, address, and contact information for at least one individual who will be physically available on site 24 hours a day to address any issues at the short-term rental within two (2) hours' notice ("Local Designated Person").
 5. A certificate of insurance evidencing liability insurance coverage for operation of the premises as a Short-Term Rental with liability limits of at least \$ 1 Million per claim, unless such short-term rental is offered through a hosting platform that maintains equal or greater coverage.
 6. An attestation that the Owner and Operator (if applicable) are in compliance with all applicable federal, state and local laws, including but not limited to G.L. c. 64G and the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, and that the Owner and Operator (if applicable) are current with all Town taxes, water, and sewage charges and other fees, subject to the requirements of Chapter 19, §§ 13 -18 of the Town Code.
- D. The Board of Health, or its agent, may reject any application that it deems incomplete.

XX.05 -- Operation of Short-Term Rental

- A. **Occupancy.** Occupancy of a Short-Term Rental shall be limited to two people per bedroom plus two additional people in the unit..
- B. **Parking.** Parking at a short-term rental shall not create public health or public safety issues or create undue traffic congestion. The Board of Health may refer violation of these parking requirements to the appropriate Town enforcing agent(s)
- C. **Advertising a Short-Term Rental.** All advertisements for Short-Term Rentals, whether online or at a real estate agency, shall include the Operator's Certificate of Registration number and shall be consistent with the Short-Term Rental information provided in the application to the Town.
- D. **Information for Prospective Renters.** The Operator must provide all renter(s) the following information:

1. Renters: In rental solicitations including written and on-line advertising and descriptions of property: A copy of the Operator's Certificate of Registration, the maximum number of occupants and vehicles allowed, policy(ies) regarding parties, events and weddings, and whether or not the unit is under professional management.; and
2. On-site or Prior to Arrival: (i) contact information for the Operator and at least one Local Designated Person; (ii) emergency-exit diagrams, which also must be posted at the Short-Term Rental premises in all bedrooms and on all egresses; (iii) instructions for Waste Disposal and Recycling, including but not limited to the requirement that trash be removed from the premises at each turnover or weekly, whichever comes first; (iv) a copy of Nantucket's Noise Bylaw (Chapter 101) and (v) a copy of Nantucket's Outdoor Lighting Bylaw (Chapter 102). Items iii, iv, v must be posted centrally in the unit.

XX.06 -- Record-Keeping Requirements for Operators

- A. Operators shall maintain for a period of at least three (3) years records of the following information for each Short-Term Rental stay: (A) type of rental (room, apartment or whole house); (B) dates and number of nights; (C) number of guests; and (D) number of vehicles.
- B. Every Operator with any listings for Short-Term Rentals shall provide to the Board of Health on a quarterly basis an electronic report, in a format specified by the Board of Health. The report shall include a breakdown of where each listing is located; whether the listing is a room, an apartment or whole-house rental; number of nights each unit was reported as occupied during the applicable reporting period; and the Operator's name and full contact information.

XX.07 -- Compliance with Statutes, Bylaws and Regulations

- A. The Operator at all times bears responsibility for ensuring compliance at the Short-Term Rental, including compliance by Short-Term Renters, with all applicable statutes, bylaws and regulations, including but not limited to these Short-Term Rental Regulations and the applicable building, health, sanitary, zoning and fire codes.
- B. Any violation of such applicable statutes, bylaws and regulations, including but not limited to the Town's noise and lighting bylaws, at the Short-Term Rental shall also be deemed to be a violation of these Regulations.

XX.08 -- Inspection of Short-Term Rental Premises

To verify compliance with all applicable statutes, bylaws and regulations, Operators are subject to inspection of the Short-Term Rental by the Board of Health upon reasonable notice via

consent or administrative warrant, or without such notice, in the event of an imminent threat to public health or safety.

XX.09 -- Enforcement of Short-Term Rental Regulations

The Board of Health, or its agent, shall enforce these Regulations in accordance with the Bylaw. The Board of Health, or its agent, also has the discretion to set hearings to determine whether any specific violation warrants suspension or revocation of the Operator's Certificate of Registration. Operators or Owners with multiple violations may have their Certificate(s) of Registration revoked and not renewed for a period of up to three (3) years.