

Regulation of Short-Term Rentals

Proposal from Becket Planning Board

DRAFT VERSION 02/14/24

Becket Zoning Regulations are Amended in Article VI (Special Regulations) by adding new Section **§ 6.9**

6.9 Short-Term Rentals

6.9.1 Purpose

This section regulates Short-Term Rentals (STRs) of residential properties in a way that clarifies the extent those uses are allowed and that also preserves and promotes the character, history, health, and safety of the community.

6.9.2 Definitions As used in this section:

Short-Term Rental or STR The rental of a whole or a portion of a residential or secondary dwelling unit, in exchange for payment, as residential accommodations for not more than thirty (30) consecutive days, and no more than one hundred and fifty (150) days if the owner is not on the premises. Exempted Accommodations are listed in section 6.9.3 and Ineligible Properties are listed in section 6.9.4.

STR Owner Any person whom alone, or with others, has legal or equitable title or beneficial interest in any dwelling unit, a mortgagee in possession, or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, a group of people or LLC. The Owner may also be referred to as the Operator or the Host.

Booking Agent means the person or business entity that makes decisions to grant or deny permission to rent an STR property, facilitates reservations for an STR property or collects payments for rentals of an STR property on behalf of the owner. Where an automated system makes decisions about rentals, the registration shall identify an individual person within this state who has access to that system and who shall be deemed to be the booking agent.

Property Manager means the person or business entity who is obligated to respond to all problems, complaints, or emergencies relating to an STR that are reported by an STR guest, Becket residents, or town government.

6.9.3 Exempted Accommodations The following accommodations are not Short-Term Rentals as defined in this section:

1. Hotels and motels.
2. Month-to-month leases.
3. Time-shares, Bed and Breakfasts or Boarding Houses.
4. Any federal, state, or municipal institution.

5. Lodging accommodations, including dormitories at religious, charitable, educational, and philanthropic institutions that are not a hotel or motel or generally open to the public and operated by the institution.
6. Privately-owned and operated convalescent homes or homes for the aged, infirm, indigent, or chronically ill.
7. Religious or charitable homes for the aged, infirm, indigent, or chronically ill.
8. Summer camps for children up to 18 years of age or developmentally disabled individuals.
9. Lodging accommodations provided to seasonal employees by employers.
10. Alcohol and drug-free housing that is certified by the state.

6.9.4 Ineligible STR Properties. The following properties are not eligible for Short-Term Rentals as defined in this section:

1. Property owned by a corporation, trust, or partnership. However, a corporation may operate an STR if: its principal asset is a single residential property in Becket, that property contains one or two dwelling units, and that property is the primary residence of the entity's majority stockholder(s), beneficiary, or partner.
2. Sub-let properties.
3. A residential property designated as affordable, income-restricted, subject to affordability covenants, or housing or rental assistance under government programs and laws.
4. Dwelling units located within a property subject to any outstanding building, health, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, unpaid taxes, tax liens, or other existing judgements or penalties imposed by the town and without resolution. If a violation or other order is issued after the dwelling unit has been registered, Code Enforcement shall suspend the dwelling unit's registration until the violation is remedied or otherwise resolved.
5. Dwelling units that are the subject of three (3) or more findings of violations of this section by the Code Enforcement Officer within a six (6) month period, or three (3) or more violations of any municipal or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct, or are the subject of three (3) or more unresolved nuisance complaints within a six (6) month period. Dwelling units found ineligible pursuant to this subsection shall remain ineligible for a period of twelve (12) months following the third violation or unresolved complaints.

6.9.5 Prohibited STR Agreements. The following STR rental agreements are prohibited:

1. Renting an STR for use by more persons than the registered maximum STR occupancy.
2. Renting an STR for commercial use, such as for business or sales meetings.
3. Renting an STR to a person under the age of 18.

6.9.6 Operation of Short-Term Rentals.

1. A STR tenant shall not conduct an event or gathering on an STR property where attendance exceeds the maximum STR occupancy limit or the occupancy limit in the STR rental agreement without owner permission and providing no other violations of any other provisions herein.
2. A STR tenant shall not conduct an event or gathering on an STR property that includes tents or outdoor amplified music.
3. Each Booking Agent shall keep either paper or electronic records on rental activity that include the name and address of each tenant and the maximum occupancy for that rental period. Those records shall be available electronically. Records of each rental shall be maintained for at least two years after that rental concludes. A paper copy of any record shall be produced upon written demand by the Board of Health or the Select Board.
4. Each STR property shall have a Property Manager or designee who shall maintain a 24-hour telephone number and shall respond within two hours to any problem or complaint reported by a tenant.
5. Each STR property shall comply with the requirements regarding septic systems under “Title 5” and associated state regulations (310 CMR 15.00).
6. Each STR property shall comply with all standards and regulations of the Board of Health. All STRs are subject to inspection by the Board of Health, Fire Department, and town building officials annually or when deemed necessary.
7. Each STR shall have residential smoke and CO detectors installed and maintained in compliance with state law and regulations. A fire extinguisher shall be mounted in a clearly visible and easily accessible location and in or near any kitchen, pellet stoves, wood burning stoves, fireplaces and garage or each level if applicable.
8. Each STR property shall have off-street parking spaces at least equal to the number of STR bedrooms, plus one-space.
9. Trash shall be removed from each STR property at least weekly.
10. Each STR shall post, in a conspicuous place:
 - a. The identity, telephone number and other contact information of the Property Manager.
 - b. A property map that clearly depicts the boundaries of the STR property.
 - c. Instructions to operate any wood-burning fireplace or any wood or pellet stove.
 - d. Certificate of registration from the state of Massachusetts.
 - e. Hospital and emergency contact information and any other information as needed.

11. Any advertisement offering the STR shall include the Becket STR Registration Number and shall state the maximum allowable STR occupancy. No advertising shall offer to exceed the maximum allowable occupancy registered.
12. Each STR Owner shall ensure that its registration data at all times accurately describe the current names and contact information for the STR Owner, Booking Agent, Property Manager.
13. The use of the property shall not interfere with the use and enjoyment of surrounding properties by reason of odor, dust, noise, traffic, or lighting.
14. Pets owned by short term renters shall be leashed at all times when outdoors.

6.9.7 Registration

Each STR Owner shall register each STR unit with the Town Clerk. The registration forms shall include the following information and statements:

1. The street address of the property.
2. A description of the STR property and the numbers and types of rooms or area offered for short-term rental.
3. The maximum allowable occupancy of each rental unit.
4. The maximum number of allowable off-street parking spaces.
5. The STR Landlord's name and contact information.
6. The Booking Agent's name and contact information.
7. The Property Manager's name, telephone number and any other contact information.
8. A copy of a currently valid STR Certificate of Registration with the Massachusetts Department of Revenue shall be posted within the premises in a conspicuous place.
9. A statement that residential smoke and Carbon Monoxide detectors are installed and maintained in compliance with the state statute and regulations.
10. A statement that a fire extinguisher is located in a clearly visible and easily accessible location on each habitable level of the STR building and in or near any kitchen, fireplace, wood burning stove, pellet stove or garage if applicable.
11. A statement describing the capacity of the septic system as approved by the Becket Board of Health. The statement shall describe the number of bedrooms as consistent with septic capacity, the septic permit, and the date that the septic tank was installed and last pumped. The pumping must have been within the last three (3) years.
12. A statement that the well has been tested within the preceding year and was found to be potable and safe for personal consumption.
13. Each STR registration received by the Town Clerk in proper form and accompanied by the required fee shall be assigned a Becket STR Registration Number.

14. Registrations of STRs shall expire every year on December 31. Renewal registrations may be filed during each December for the following year. The annual registration fee shall be \$200 per rental unit to be adjusted annually by the cost of living.

6.9.8 Enforcement.

1. Operating an STR without a current valid registration or in violation of any regulations of the Becket bylaws, health code or sanitary code will be subject to revocation.
2. In addition to the penalties otherwise provided for violations, the Code Enforcer, after notice and hearing, may revoke an STR Owner's registration, for up to twelve months, if it finds that the STR Owner:
 - a. Has accrued three or more violations of this section within a six (6) month period.
 - b. Has failed to update all required contact information and has not responded to an inquiry after twenty (20) days.
 - c. Has failed to provide access to STR properties for authorized inspections as needed or has failed to comply with orders to correct STR deficiencies.

6.9.9 Severability.

The provisions of this bylaw are severable, and the invalidity of any section, subdivision, subsection, paragraph, or other part of this bylaw shall not affect the validity or effectiveness of the remainder of this bylaw.