

KELLEY AMENDMENTS TO COUNCIL PETITION [7/03/17 STAFF REVISIONS – CLEAN]

Zoning Ordinance Section 4.60—Short-Term Rentals

4.60 Short-Term Rentals

4.61 Purpose. This Section 4.60 “Short-Term Rentals” is intended to make the operation of short-term rentals legal for Cambridge residents, protect the safety of renters and residents, ensure that the primary use remains residential, and ensure that short-term rentals will not be a detriment to the character and livability of the surrounding residential neighborhood.

4.62 Definitions

- a. Short-term rental. Any rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days.
- b. Short-term renter. Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, as a short-term rental for a duration of less than thirty (30) consecutive days.
- c. Short-term rental operator. The person or persons offering a dwelling unit or bedroom for short-term rental, who may be either the owner or the primary leaseholder of the dwelling unit.
- d. Operator-occupied short-term rental. The short-term rental of a dwelling unit, or of no more three (3) individual bedrooms within such dwelling unit, that is the primary residence of its operator.
- e. Owner-adjacent short-term rental. The short-term rental of a dwelling unit that is not the primary residence of the operator, but is located within a residential building with a total of four or fewer dwelling units where all dwelling units in the building are owned by the operator, and one of the dwelling units in the building is the primary residence of the operator.

4.63 Applicability. The requirements of this Section 4.60 shall apply to all districts where residential uses are allowed.

4.64 Requirements. Short-term rentals are permitted as an accessory residential use in existing dwellings in all districts where residential use is permitted, subject to the following requirements:

1. Only operator-occupied short-term rentals and owner-adjacent short-term rentals are permitted.

2. All short-term rental operators shall register with the Inspectional Services Department prior to short-term rental use and occupancy in conformance with Section 4.67 below.
3. A dwelling unit or bedroom offered for short-term rentals shall comply with building code requirements for occupancy.
4. A dwelling unit or bedroom offered for short-term rentals shall comply with all standards and regulations promulgated by the Commissioner of Inspectional Services.
5. A short-term rental operator may make available no more than one (1) dwelling unit for operator-occupied short-term rentals, which may include the separate short-term rental of no more than three (3) individual bedrooms, and one (1) dwelling unit for owner-adjacent short-term rentals.
6. Operators of short-term rentals shall remit to the appropriate body all fees and taxes as required by the City and/or State authorities.
7. Short-term rental operators shall maintain liability insurance appropriate to cover the short-term rental use.
8. An owner-adjacent short-term rental may be rented only as a whole unit to one party of short-term renters at any one time and not rented as separate bedrooms to separate parties.
9. An operator-occupied short-term rental during which the operator is away from the dwelling unit for more than seven (7) consecutive days may be rented only as a whole unit to one party of short-term renters at any one time and not rented as separate bedrooms to separate parties.
10. The number of individual bedrooms made available for operator-occupied short-term rentals within a dwelling unit shall not be greater than the number of lawful bedrooms in the dwelling unit.
11. Renting for an hourly rate, or for rental durations of less than ten (10) consecutive hours, shall not be permitted.
12. Commercial meetings and uses are prohibited in short-term rentals.

4.65 *Procedural Requirements.*

1. The following information shall be provided to all short-term renters and posted in all owner-adjacent short-term rentals in a manner to be determined by the Inspectional Services Department:
 - a. Instructions for disposal of waste per the City's recycling and composting programs.

- b. An emergency-exit diagram in all bedrooms used for owner-adjacent short-term rentals and on all egresses from the dwelling unit.
 - c. Contact information for the short-term rental operator, or when the operator is not present, the contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period, whether from renters, neighbors or municipal authorities.
 - d. The certificate of registration for the short-term rental.
- 2. The operator of an owner-adjacent short-term rental shall keep accurate books and records, make them available upon request of the Inspectional Services Department, and maintain such books and records for a period of three years.
- 3. Notification
 - a. All operators of short-term rentals must prepare a notification letter that:
 - i. Describes the operation and number of bedrooms that will be rented to short-term renters; and
 - ii. Includes information on how to contact the operator and a backup contact by phone.
 - b. All operators shall mail or deliver the notification letter to all residents and owners of abutting property and across the street from the short-term rental unit(s).

4.66 *Regulations.* The Commissioner of Inspectional Services shall have the authority to promulgate regulations to carry out and enforce the provisions of this Section 4.60 "Short-Term Rentals."

4.67 *Registration.*

- 1. All dwelling units offered for short-term rentals shall register with the City and secure a certificate of registration according to standards set forth by the Commissioner of Inspectional Services, and pay all associated fees. The certificate of registration shall require the operator to agree to abide by the requirements of this Section 4.60, and document that the required notification requirements have been met. If the operator is not the owner of the property, the operator shall provide evidence that the owner has consented to the short-term rental use of the property. All operators shall provide the City with proof that one of the units in the structure is used as the operator's primary residence, either by: 1) providing proof of enrollment in the Cambridge residential tax exemption program, or 2) providing an affidavit, signed under the pains and penalties of perjury, stating that the dwelling being used for short-term rental is the operator's

primary residence, a property title or tenancy agreement along with a photo ID, and a government or utility correspondence with operator's name and address issued within the last three (3) months.

2. Prior to issuing a certificate of registration, the Inspectional Services Department shall conduct an inspection to verify that each dwelling unit and bedroom to be rented to short-term renters:
 - a. Meets all building code requirements for occupancy.
 - b. Meets all other requirements of this Section 4.60 "Short-Term Rentals" and regulations promulgated by the Commissioner of Inspectional Services.
3. It is the responsibility of the short-term rental operator to renew its certificate of registration every two years.

4.68 *Enactment.* The provisions of this Section 4.60 "Short-Term Rentals" shall take effect on April 1, 2018. Beginning on October 1, 2017, or on an earlier date as may be determined by the Commissioner of Inspectional Services, the City may receive applications for registration, conduct inspections, and issue certificates of registration for short-term rentals to operators who apply before the date of enactment.

KELLEY AMENDMENTS TO COUNCIL PETITION [\[7/03/17 STAFF REVISIONS – MARKUP\]](#)

Zoning Ordinance ~~Chapter~~ [Section 4.60](#)—Short-Term Rentals

4.60 Short-Term Rentals

4.61 Purpose. This ~~ordinance~~ [Section 4.60](#) “Short-Term Rentals” ~~shall provide regulations-is~~ [intended](#) to make the operation of short-term rentals legal for Cambridge residents, protect the safety of renters and residents, ensure that the primary use remains residential, and ~~to~~ ensure that short-term rentals will not be a detriment to the character and livability of the surrounding residential neighborhood.

4.62 Definitions

f. ~~Short-term rental.~~ Any rental ~~in of~~ a residential dwelling [unit, or of a bedroom within a dwelling unit, stipulated to be in exchange for payment, as residential accommodations for a duration of](#) less than [thirty \(30\)](#) consecutive days ~~and used for residential purposes only.~~

g. ~~Short-term renter.~~ Any person or persons occupying a [dwelling unit, or a bedroom within a dwelling unit, as a](#) short-term rental ~~in exchange for payment~~ for a duration of less than [thirty \(30\)](#) consecutive days.

~~g.h.~~ ~~Short-term rental operator.~~ The person or persons offering a [dwelling unit or bedroom for short-term rental, who may be either the owner or the primary leaseholder of the dwelling unit.](#)

~~h.i.~~ ~~Operator-occupied unit~~ ~~short-term rental.~~ ~~Any~~ ~~The~~ ~~short-term rental of a~~ dwelling unit, ~~or of no more three (3) individual bedrooms within such dwelling unit, with short-term rentals that is also the primary dwelling unit residence of for its operator, either the unit’s owner or primary leaseholder, with three or fewer rooms for rent for fewer than 30 consecutive days each.~~

~~h.j.~~ ~~Owner-adjacent unit~~ ~~short-term rental.~~ ~~Any~~ ~~The~~ ~~short-term rental of a~~ dwelling unit ~~used for short term rentals, not occupied by the owner, that is not the primary residence of the operator, but is located within a residential building with a total of four or fewer total dwelling units where all dwelling units in the building are owned by the same person operator, and one of the four dwelling units in the building is used as the primary place of residence for the owner of the operator.~~

4.63 Applicability. The ~~regulations-requirements~~ of this ~~chapter~~ [Section 4.60](#) shall apply to all districts where residential uses are allowed.

4.64 Requirements. Short-term rentals are permitted [as an accessory residential use in existing dwellings](#) in all districts where residential use is permitted, subject to the following ~~limitations-requirements~~:

13. ~~All short-term rentals are either in-Only~~ operator-occupied ~~units-short-term rentals and~~ or owner-adjacent units-short-term rentals are permitted.
14. All short-term rental operators ~~are shall~~ registered with the Inspectional Services Department prior to short-term rental use and occupancy in conformance with Section 4.67 below.
- ~~14-15.~~ A dwelling unit or bedroom offered for short-term rentals shall comply with building code requirements for occupancy.
- ~~15-16.~~ The A dwelling unit or bedroom offered for short-term rentals is compliant shall comply with all standards and regulations established promulgated by the Commissioner of Inspectional Services Department and Fire Department for the safety and wellbeing of short-term renters.
- ~~16-17.~~ The proprietor of a A short-term rental operates or may make available no more than one (1) dwelling unit for operator-occupied unit-short-term rentals, which may include the separate short-term rental of no more than three (3) individual bedrooms, and one (1) dwelling unit for owner-adjacent unit-short-term rentals.
- ~~17-18.~~ Operators of short-term rentals shall remit to the appropriate body all fees and taxes as promulgated required by the City and/or State authorities.
- ~~18-19.~~ The Short-term rental operators shall maintains liability insurance appropriate to cover the short-term rental use of not less than \$1,000,000 to cover bodily injury and property damage arising from use.
20. An owner-adjacent ~~unit-short-term rental may be rented only as a whole unit to one party of short-term renters at any one time and not rented as separate bedrooms to separate parties.~~
21. ~~and a~~ An operator-occupied unit short-term rental during which in the absence of the operator is away from the dwelling unit for more than seven (7) consecutive days may be rented out only as a whole unit to one party of short-term renters at any one time and not rented as separate bedrooms to separate parties.
- ~~19. and the number of unrelated guests must be in compliance with the City's existing limits on unrelated individuals cohabitating.~~
- ~~20-22.~~ The number of individual bedrooms made available for operator-occupied short-term rentals within a dwelling in an operator-occupied unit shall be limited by not be greater than the number of lawful bedrooms licensed for occupancy in the dwelling unit and by the City's existing limits on unrelated individuals cohabitating.
- ~~21-23.~~ Renting for an hourly rate, or for rental durations of less than ten (10) consecutive hours, shall not be permitted.

Roberts, Jeffrey: Recommend not to have a specified dollar amount in the ordinance.

Durbin, Wilford: Brings conformity in requirement that short-term rental units may be offered only as a whole unit to one party in the absence of the owner in either a owner-occupied or owner-adjacent unit.

24. Commercial meetings and uses are prohibited ~~with in~~ short-term rentals.

4.65 ~~Standards~~ *Procedural Requirements.*

4. The following information shall be ~~provided to all short-term renters and~~ posted in all owner-adjacent ~~units-short-term rentals~~ in a manner ~~as defined to be determined~~ by the Inspectional Services Department:
 - a. ~~Compliance with Instructions for disposal of waste per~~ the City's recycling and composting programs.
 - b. An emergency-exit diagram in all bedrooms used for ~~occupancy owner-adjacent short-term rentals~~ and on all egresses ~~in from~~ the ~~dwelling~~ unit.
 - c. ~~Contact information for the short-term rental operator, or~~ ~~W~~hen the operator ~~of a short-term rental~~ is not present, the contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental ~~period~~, whether from renters, neighbors or municipal authorities.
 - d. ~~The certificate of registration~~ ~~Compliance with all Inspectional Services Department and Fire Department regulations established for~~ ~~the~~ short-term rentals.

~~5. No owner-adjacent unit may be rented before an inspection has been completed, or 30 days has transpired since registration was submitted by the operator, whichever comes first.~~

Roberts, Jeffrey: Recommend deleting as inspections are discussed further below.

~~6.5. The operator of an owner-adjacent unit-short-term rental shall keep accurate books and records, make them available upon request of the Inspectional Services Department, and maintain such books and records for a period of three years.~~

~~Short-term rentals shall not adversely affect the residential character of the neighborhood nor shall the use generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.~~

Roberts, Jeffrey: Recommend deleting as this would not be enforceable.

~~7.6. Notification~~

Roberts, Jeffrey: Note this section was moved from "Registration" to "Procedural Requirements".

- a. All operators of short-term rentals must prepare a notification letter that:
 - i. Describes the operation and number of bedrooms that will be rented to short-term renters; and

- ii. Includes information on how to contact the operator and a backup contact by phone.
- b. All operators shall mail or deliver the notification letter to all residents and owners of abutting property and across the street from the short-term rental unit(s). ~~The property owner of the unit to be used for short-term rentals must be notified in the same manner if the operator is a primary lease holder.~~

4.66 Regulations. The Commissioner of Inspectional Services shall have the authority to promulgate regulations to carry out and enforce the provisions of this Section 4.60 "Short-Term Rentals."

4.67 ~~6~~ Registration.

4. All dwelling units offered for short-term rentals shall register with the eCity and secure a permit-certificate of registration according to ~~guidelines issued standards set forth~~ by the ~~License Department~~ Commissioner of Inspectional Services, and pay all associated fees. The certificate of registration shall require the operator to agree to abide by the requirements of this ~~s~~Section 4.60, and document that the required notification requirements have been met. ~~If the operator is not the owner of the property, the operator shall provide evidence that the owner has consented to the short-term rental use of the property.~~ All operators shall provide the City with proof that one of the units in the structure is used as the operator's primary residence, either by: 1) providing proof of enrollment in the Cambridge residential tax exemption program, or; 2) providing an affidavit, signed under the pains and penalties of perjury, stating that the dwelling being used for short-term rental is the operator's primary residence, a property title or tenancy agreement along with a photo ID, and a government or utility correspondence with operator's name and address issued within the last ~~three~~ (3) months.
5. ~~Prior to issuing a certificate of registration, the~~ Inspectional Services Department ~~must shall conduct an inspection to~~ verify that each ~~dwelling unit and~~ bedroom to be rented to short-term ~~guests~~renters:
 - c. Meets all building code requirements for ~~bedroom~~ occupancy. ~~Bedrooms to be offered for short-term rental are required to be inspected within 30~~
 - d. Meets all ~~requirements set forth~~ other requirements of this Section 4.60 "Short-Term Rentals" and regulations promulgated by the Commissioner of Inspectional Services ~~by the Fire Department.~~
6. It is the responsibility of the short-term rental operator to ~~obtain the permit~~ renew its certificate of registration every two years.

Durbin, Wilford: The most frequent concern voiced at the Planning Board hearing was that short-term rental operators who are primary leaseholders be required to secure the explicit permission of the landlord before renting short-term. This may be desirable, but the City may not want to become involved in this private relationship. By including the owner of the property to be rented among those to be notified of short-term rental use, the same end may be achieved, and that amendment is offered here.

Roberts, Jeffrey: The point raised by the Planning Board was that the property owner's permission is needed to ensure that the provisions can be practically enforced, because property owners are ultimately responsible for zoning compliance. It would put the City in a difficult position between a property owner and tenant if the City registers a short-term rental that the property owner hasn't authorized and then wants to make the tenant stop.

Recommend deleting this section and including a provision that the owner's consent should be supplied with the registration (see below).

Roberts, Jeffrey: Moved from below.

Durbin, Wilford: Addresses concerned regarding the release of resident's Massachusetts tax returns, and copies the test relied upon by Vancouver to prove primary residency.

Roberts, Jeffrey: Recommend deleting because it could become problematic to subject the City to a timeframe for completing a particular inspection.

4.678 *Enactment.* The ~~requirements provisions~~ of this ~~chapter~~ Section 4.60 “Short-Term Rentals” shall take effect on ~~January-April~~ 1, 2018. Beginning on October 1, 2017, or on an earlier date as may be determined by the Commissioner of Inspectional Services, ~~The City may receive applications for registration, conduct inspections, and issue permits-certificates of registration~~ for short-term rentals to operators who ~~voluntarily seek to register apply~~ before the date of enactment. If a short-term rental operator complies with all other sections of this chapter and completes registrations with the Inspectional Services Department within 60 days of the enactment of this chapter, they may continue to operate until an inspection has been completed. Operators that register after 60 days has transpired since the enactment of this chapter will be subject to the provisions of 4.65.3.

Roberts, Jeffrey: Instead of this provision, staff recommends establishing a 6-month timeframe prior to enactment of the provisions during which operators may apply for registration and the City may conduct inspections before these provisions go into effect.