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Memorandum

TO: Vail Town Council

FROM: Finance Department, Economic Development Department

DATE: October 17, 2017

SUBJECT: Short Term Rental Policy Considerations

## I. SUMMARY

The purpose of this memo is to provide Council an opportunity to review draft ordinance wording for implementation of regulations and compliance of short-term rentals (STRs).

## II. BACKGROUND

On August 1<sup>st</sup>, RRC & Associates and staff presented the results of public outreach efforts and Council had a high-level discussion of preliminary ideas for future regulation and compliance methods. The town has hosted two public input meetings this summer, with additional public input opportunities during **four Council discussions** on the topic since May.

Staff continues to research and participate in STR topics. For example on October 12<sup>th</sup>, staff attended a panel discussion on “New Approaches to Short Term Rental Regulations” in Frisco, CO. Later this month, Johannah Richards, the town’s Sales Tax Administrator will present an update of Vail’s STR regulations during a workshop sponsored by The Riley Center for Livable Communities - College of Charleston. The workshop is focused on “Strategies for Managing and Measuring Residential Short-Term Rentals.”

The evolving landscape of the short term rental market dictates that the town continue evaluating and adjusting our process to keep pace. The proposed ordinance scheduled for November 7<sup>th</sup> will address recently-identified regulation needs, however staff may propose additional changes as opportunities arise.

## III. DISCUSSION

During the September 5<sup>th</sup> Council meeting, staff received feedback from Council regarding specific regulations relating to STRs. The outcomes could be divided into those items

requiring legislation (Council ordinance) and those items that can be addressed administratively.

A. Items **requiring** legislation that staff is currently working on includes the following:

- Revise the current ordinance to remove the 14-day threshold to require a license
- Create a penalty / fine structure for the unlicensed operation of short-term rentals
- Require an affidavit to be signed by the licensee to acknowledge trash, noise and parking violations as well as verifying life safety precautions are in place.\* Staff has another suggestion based on additional research. Please see below for details on the concept of a third party inspector.
- Require a local property contact for each rental which must be posted in the interior of the rented unit for renters, as well as documented with the town.

**Staff requests further clarification from Council on the below topics prior to drafting an Ordinance for the November 7<sup>th</sup> meeting:**

1. Joint ownership. Specifically this entails a required sign-off by a neighbor sharing a party wall, for example a duplex owner. ***Does Council wish to include a requirement relating to joint ownership in the ordinance?***
2. Council has initially approved the town requiring an owner-signed affidavit verifying that the owner has complied with short term rental safety requirements such as CO2 monitors, smoke detectors and occupancy limits. Sample checklists are attached **(Attachment A)** which provides a lot of detailed considerations.
3. Based on additional research, staff would like to propose another option for addressing safety concerns. Rather than rely on an affidavit, the owner could be required to obtain an inspection from a third party company as part of the annual licensing process. Staff would suggest that a standard checklist form be used by the inspector and could provide a list of accepted vendors. ***Does Council wish to require an affidavit or an outside inspection prior to licensing and license renewal?***
4. Also on the topic of safety, citizens have expressed concerns with snowy/icy exterior walkways and stairs as potential hazards to vacationing guests. ***Does Council wish to include exterior walkways in the safety requirements?***
5. Council previously discussed tracking violations of the town's current noise, trash, and parking ordinances for the purposes of license revocation. ***Does Council wish to add a regulation to enable the town staff to revoke a business license if a certain number of verified violations occur for a particular rental unit? Staff believes that license revocation may be an effective enforcement tool. It could be structured with a revocation hearing and applicable criteria to ensure a fairly administered process.***
6. With enforcement in mind, the posting of a rentals license number on the exterior of the unit would greatly improve reporting of complaints or violations that must be

verified by police or code enforcement. A call into Dispatch or responding officers may not be able to readily identify if the location is a rental or confirm the exact address and unit number. Without a confirmed location, it will be difficult to prove that a violation has occurred. Other communities such as South Lake Tahoe, Hood River, Oregon, and Santa Cruz County, California have implemented an exterior posting of the license number. South Lake Tahoe for example uses a 12"x12" sign placed near the main doorway and Santa Cruz signs are limited to 216 square inches. Any regulation surrounding exterior signage would have to first be approved by the Design Review Board (DRB). ***Does Council support exterior posting of license numbers?***

7. Since the last Council discussion on STRs, staff has learned of new legislation passed in San Francisco that is gaining traction with other municipalities. The new regulation requires hosting platforms such as VBRO or Airbnb to verify that a rental is licensed with the municipality prior to listing the advertisement. The hosting platforms are allowed to use multiple methods to verify licensing. Other municipalities pursuing this same regulation include Santa Monica, California and Miami-Dade County, Florida. ***Does Council wish to pursue requiring hosting platforms to confirm licensing prior to posting a rental online?***

Based on Council direction, the above items will be included in an ordinance scheduled for first reading on November 7<sup>th</sup>.

B. Items ***not requiring*** legislation that staff is currently working on includes the following:

- RFQ's have been sent out for software to enable better enforcement and tracking. Demonstrations and research are currently underway.
- Staff is updating the town's database of rentals, by parcel number, including rentals represented by a property management company. An up-to-date database is critical for effective enforcement efforts. This will utilize GIS resources.
- Staff will actively engage in enforcement practices and track communications with owners.
- Staff has been working on developing education handouts and communications. Specifically, the education addresses topics such as trash, noise, parking, and life safety. A variety of audiences are being considered such as owners, renters, local contacts and neighbors. The following is a list of education materials that would be distributed to each group:
  - Owners would receive information upon licensing (or renewal).
  - Neighbors would receive a "who to call" information guide.
  - Local property contacts will receive guidelines outlining expectations.
  - Renters would be notified of local regulations / considerations via a posting on the interior of the rental unit.

- Short Term Rental License application forms will be formulated to include an affidavit form (or inspection checklist), a complete list of websites and listing numbers where the STR is advertised, and local property contact information.
- Staff has begun working with the Police Department/Code Enforcement to involve their feedback in the education efforts, and establish a communication method to track complaints reported to Dispatch Services and follow up on violations.
- Verified violations will be tracked within the business licensing software.

#### **IV. REQUEST OF COUNCIL**

Based on confirmation from Council, staff will bring back draft ordinance wording for better consistency and wording in the town code as it relates to short term rentals.

## RENTER SELF-CERTIFICATION CHECKLIST

UNIT #: \_\_\_\_\_

*Please check each line to certify you are in compliance with the Provincetown Habitations for Rent Regulations*

### LIFE SAFETY

- \_\_\_\_\_ THE CERTIFICATE TO RENT IS/WILL BE POSTED CONSPICUOUSLY
- \_\_\_\_\_ STREET NUMBER IS CLEARLY MARKED ON BUILDING
- \_\_\_\_\_ ELECTRICAL PANEL/CIRCUIT BREAKER IS LABELED CLEARLY AND ACCESSIBLE
- \_\_\_\_\_ SMOKE DETECTORS ARE IN WORKING ORDER
- \_\_\_\_\_ CARBON MONOXIDE DETECTORS ARE IN WORKING ORDER
- \_\_\_\_\_ DECKS, GUARDRAILS, AND HANDRAILS ARE PRESENT IF APPLICABLE AND IN WORKING ORDER
- \_\_\_\_\_ EGRESS FROM BUILDING IS UNOBSTRUCTED
- \_\_\_\_\_ FIRE EXTINGUISHERS ARE PRESENT AND MAINTAINED AS REQUIRED BY CODE
- \_\_\_\_\_ EMERGENCY LIGHTS ARE LOCATED IN COMMON AREAS OR EGRESSES OF CONDOMINIUM COMPLEX

### SANITATION

- \_\_\_\_\_ RENTERS ARE INFORMED OF RECYCLING/TRASH PROCEDURES
- \_\_\_\_\_ RECYCLING/TRASH IS STORED AND DISPOSED OF PROPERLY
- \_\_\_\_\_ BUILDING ENVELOPE IS SECURE & WEATHER TIGHT
- \_\_\_\_\_ BUILDING EXTERIOR IS IN GOOD REPAIR
- \_\_\_\_\_ SITE AND BUILDING LIGHTING ARE SUFFICIENT
- \_\_\_\_\_ DWELLING INTERIOR IS IN GOOD REPAIR
- \_\_\_\_\_ DWELLING IS CLEAN AND IN GOOD REPAIR
- \_\_\_\_\_ VENTILATION/AIR EXCHANGE IS SUFFICIENT
- \_\_\_\_\_ DOORS/WINDOWS ARE OPERABLE AND SECURE
- \_\_\_\_\_ NO EVIDENCE OF EXCESSIVE MOISTURE
- \_\_\_\_\_ SUFFICIENT NATURAL LIGHT
- \_\_\_\_\_ ALL FIXTURES PRESENT AND IN GOOD REPAIR
- \_\_\_\_\_ NO ACTIVE HAZARDS PRESENT
- \_\_\_\_\_ NON-POROUS SURFACE FINISHES ARE INTACT
- \_\_\_\_\_ DWELLING IS SOUND BUFFERED
- \_\_\_\_\_ DWELLING IS PEST/VERMIN FREE
- \_\_\_\_\_ SCREENS ARE INSTALLED (APRIL 1 - OCTOBER 30)
- \_\_\_\_\_ KITCHEN FACILITIES ARE PROVIDED AND IN GOOD REPAIR (YES/NO)

### WASTEWATER *(select one)*

TYPE OF WASTEWATER DISPOSAL SYSTEM: ☐ CESSPOOL ☐ SEWER ☐ SEPTIC/TITLE 5

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### OWNERS DUTY OF COMPLIANCE *(initial each of the following)*

- \_\_\_\_\_ I will ensure that compliance with the conditions set forth in the Rental Certificate and all applicable laws relative to the habitation of the premises is maintained at all times.
- \_\_\_\_\_ I will ensure that the maximum occupancy of the premises is not exceeded at any time.
- \_\_\_\_\_ I will ensure that the individual(s) identified as being available for responding to emergencies and requests for assistance are in fact available at all times and that a prompt and appropriate response is provided.
- \_\_\_\_\_ I understand that the Board of Health may, in lieu of suspension or revocation, modify any Rental Certificate to impose additional conditions, including but not limited to a requirement for periodic inspections and/or a limitation on the maximum number of occupants allowed.
- \_\_\_\_\_ I understand if any Rental Certificate is suspended or revoked, I am responsible for finding alternative and comparable housing for any and all tenants until such time as the tenancy ends or the rental certificate is reinstated.
- \_\_\_\_\_ I certify, under pains and penalties of perjury, that I have inspected each unit and that it complies with all applicable laws, including but not limited to the State Sanitary Code, 105 CMR 410.000, et seq., the State Building Code, 780 CMR, the Town of Provincetown Zoning Bylaws, and Provincetown Board of Health Regulation Part XII.

Sign: \_\_\_\_\_ Print: \_\_\_\_\_ Date: \_\_\_\_\_

## Rental Property Self-Inspection Checklist

**All questions must be answered. Failure to answer any question will delay your issuance of a Rental Permit Number.**

**Please check ( )  
if condition is met**

### EXTERIOR OF THE HOUSE

1. House # is posted in numerals a minimum of 4 inches tall. ( )
2. House # is visible from the street. ( )
3. Is there a swimming pool? YES ( ) NO ( )  
If NO, go to #8
4. There is a code compliant, 4 foot high fence around pool. ( )
5. Pool gates are self-closing, self-latching and lockable. ( )
6. There is a working alarm on every door to the pool area. ( )
7. There is an alarm in the pool. ( )

### INTERIOR OF THE HOUSE

8. How many bedrooms are in the house? \_\_\_\_\_
9. How many levels, including a basement, if applicable, are in the house? \_\_\_\_\_
10. Is there a lower-level recreation area? YES ( ) NO ( )
11. Is there a lower-level sleeping area? YES ( ) NO ( )
12. There are handrails on all stairways. ( )
13. The electrical panel is properly marked. ( )

### SMOKE DETECTORS/CARBON MONOXIDE DETECTORS

14. Smoke detectors are installed and working on every level. ( )
15. Carbon monoxide detectors are installed and working on every level. ( )
16. Smoke detectors are installed and working in every bedroom. ( )
17. Smoke detectors are installed and working in every sleeping area. ( )
18. Smoke detectors are installed within 10 feet of any bedroom door in the hallway. ( )
19. Smoke and carbon monoxide detector batteries are replaced regularly. ( )

### FIREPLACE/WOOD BURNING STOVE

20. Does your home have a fireplace or wood-burning stove? YES ( ) NO ( )  
If YES, answer #21
21. The fireplace or wood-burning stove has a door(s) or screen(s). YES ( ) NO ( )

**NOTICE:** Only those structures and uses that have received a Certificate of Occupancy may be legally occupied pursuant to the Shelter Island Town Code. The issuance of a Rental License number for a property does not mean that all structures, or portions thereof, on said property may be legally occupied. Please consult with the Building Department as to any questions about open building permits and legal uses.

**Sworn to under penalty of perjury:**

Property Owner's Name \_\_\_\_\_

Owner's Original Signature \_\_\_\_\_

Sworn to before me this \_\_\_\_\_ day of \_\_, 20\_\_.

\_\_\_\_\_  
(Notary Public)

# Life Safety Compliance and Contact Verification Form

\*all fields required

The owner must perform the following tests and certify compliance by signing below.

- 1. Smoke and Carbon Monoxide Alarm Verification:** Verification of number and locations are required for the entire property. Every smoke and carbon monoxide alarm must function properly with the alarm sounding after pushing the test button. Smoke detectors must be installed inside sleeping rooms, outside sleeping areas in the immediate vicinity of bedrooms, and on each story. Carbon monoxide alarms must be within 15 feet of all bedrooms.

Number and location(s) of smoke alarms \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Number and location(s) of carbon monoxide alarms \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Owner Signature

Print Name

Date

- 2. IPMC Life Safety Verification:** Every Short-Term Rental property must comply with life safety regulations under the International Property Maintenance Code as adopted by the City of Boulder Municipal Code for building safety. More information on the IPMC Life Safety Code can be found here: **Chapter 2 - Property Maintenance Code** [https://library.municode.com/co/boulder/codes/municipal\\_code?nodeId=TIT10ST\\_CH2PRMACO](https://library.municode.com/co/boulder/codes/municipal_code?nodeId=TIT10ST_CH2PRMACO)

Owner Signature

Print Name

Date

\*all fields required

**LOCAL CONTACT:** Provide contact information for two additional contact persons within 60 minutes of the property.

First Name

Middle Initial

Last Name

Address

City/State

Zip Code

Primary Phone

Secondary Phone (if applicable)

Email Address

**LOCAL CONTACT:**

First Name

Middle Initial

Last Name

Address

City/State

Zip Code

Primary Phone

Secondary Phone (if applicable)

Email Address