

**No. 11,790**

**An Ordinance** to amend Section 10, entitled "Special Regulations", of Chapter Z of the Revised Ordinances of the City of North Adams by inserting in numerical order therein section 10.13

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**IN CITY COUNCIL**

**February 28, 2023**

**VOTED:** to adopt the ordinance by rollcall vote; Yay Votes: Councilors Blackmer, Bona, Obasohan, Oleskiewicz, Sapienza, Shade & Wilkinson.; Nay Votes: Councilors Barbeau & Harpin.

**Attest,**     Lisa Blackmer      
                        President

    Joshua Vallieres      
                        City Clerk

**Approved, March 1, 2023**

    Jennifer A. Macksey      
                        Mayor

**A True Copy Attest:**

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City Clerk

*That Section 10, entitled "Special Regulations", a/Chapter Z of the Revised Ordinances of the City of North Adams be and is hereby amended by inserting in numerical order therein the following Section 10. J3:*

**10.13. Short-term rentals.**

**10.13.1. Purpose.** The purpose of this section to protect and promote the health, safety and well-being of North Adams residents and visitors, to ensure that the primary use of residential properties remains residential, and to ensure that the short-term rental of residential units will not be a detriment to the character and livability of the surrounding residential neighborhood by establishing a process by which short-term rental units shall be registered for such use and operated under the regulations set forth hereinafter.

**10.13.2. Definitions.** For the purposes of this Section 10.13, certain terms or words shall be as defined below.

- (1) Short-term rental.** Any rental via advanced reservation of a dwelling unit, or of a bedroom therein, in exchange for payment, as residential accommodations for a duration of fewer than thirty (30) consecutive days that is not within a hotel, motel, lodging house, or bed-and-breakfast.
- (2) Short-term rental operator.** The person or persons offering a dwelling unit, or a bedroom therein, of which they are the legal owner(s).
- (3) Short-term renter.** Any person or persons occupying a dwelling unit, or a bedroom therein, as a short-term rental for a duration of fewer than thirty (30) consecutive days.
- (4) Short-term rental of Primary Residence.** A dwelling unit, not exceeding three (3) individual bedrooms therein, made available for short-term rental which is the primary residence of its operator.
- (5) Owner-adjacent short-term rental.** A dwelling unit made available for short-term rental that is not the primary residence of the operator, but is located within a residential building with no more than four 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.
- (6) Primary residence.** The dwelling unit in which the operator has resided for at least six (6) months and one (1) day of the preceding twelve (12) month period. Primary residence is demonstrated by evidence that, as of the date of registration of the dwelling unit as a short-term rental unit, the operator has resided in the dwelling unit for at least six (6) months and one (1) day of the past twelve (12) months.
- (7) Dwelling unit.** As defined in c.Z §13.

**(8) Problem property.** Any dwelling unit located at an address to which the Police Department has been called four (4) or more times within the preceding twelve (12) month period for any incident involving an arrestable offense committed by the short-term rental operator thereof or short-term occupants therein; or where the Department of Inspection Services and/or the board of health have received two (2) or more complaints within the preceding twelve (12) months.

**(9) Professionally-managed short-term rental.** A dwelling unit made available for short-term rental that is neither the primary residence of the operator nor is located within the same residential building as the operator's primary residence and the management of which is conducted by a local agent in charge.

**(10) Local agent in charge.** The individual, company, or other legal entity contracted by the owner of a professionally-managed short-term rental to supervise and maintain the property, respond to nuisance complaints, and other issues with the property and its day-to-day operation as a short-term rental, whereby said local agent is located within a twenty-five (25) mile radius of said unit.

**(11) Social event.** Events or parties on the premises of a short-term rental, involving ten (10) or more individuals in addition to the short-term renter.

**10.13.3. Ineligible dwelling units.** The following dwelling units are not eligible to be operated as short-term rentals:

- (1) Dwelling units that are not operator-occupied, owner-adjacent or professionally-managed as defined herein.
- (2) Dwelling units that are located within problem properties pursuant to 10.13.2(10).
- (3) Dwelling units that are the subject of three (3) or more findings of violations of this section by the Department of Inspection Services 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 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 complaint.
- (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, water/sewer or tax liens, or other existing judgments or penalties imposed by the city and without resolution. If a violation or other order is issued after the dwelling unit has been registered, Inspection Services shall suspend the dwelling unit's registration until the violation is remedied or otherwise resolved.

#### **10.13.4. Requirements.**

- (1) Operator-occupied and owner-adjacent short-term rentals are allowed by-right in all zoning districts except within the AP-1 and AH-I districts.
- (2) Professionally-managed units are allowed by-right with Site Plan Approval in the B-1, B-2, CBD, S-1, and I-1 zoning districts and by Special Permit in the RU-1, R-2, R-3, R-4, and R-S zoning districts.
- (3) Short-term rentals shall be subject to the following requirements:
  - (a) All short-term rentals must satisfy the requirements set forth in the Massachusetts State Building Code in accordance with the following classification schedule:
    - (i) Operator-occupied or owner-adjacent short-term rentals in a single- or two-family home shall comply with the Building Code requirements for single- and two-family homes.
    - (ii) Operator-occupied short-term and owner-adjacent rentals in a multifamily home, apartment or condominium building shall comply with the Building Code requirements for Residential Group R-2.
    - (iii) Professionally-managed short-term rental units, excepting those operated within single- and two-family homes, shall comply with Building Code regulations for Residential Group R-1. Professionally-managed short-term rental units operated within single- and two-family homes shall comply with the Building Code requirements for Residential Group R-2.
  - (b) All short-term rental operators shall register with the Department of Inspection Services prior to short-term rental use and occupancy pursuant to §10.13.6.
  - (c) A dwelling unit, or bedroom that is a portion thereof, offered as a short-term rental unit shall comply with all standards and regulations promulgated by the Department of Inspection Services.
  - (d) The number of occupants of a short-term rental shall not exceed the legal occupancy of the dwelling unit.
  - (f) Short-term rental operators shall at all times remain compliant with state laws and regulations regarding fees, taxes, registration, and insurance.
  - (g) An owner-adjacent short-term rental may be rented to only one party of short-term renters at any one time.

(h) An operator-occupied short-term rental unit from which the operator is away for a period of more than seven (7) days may be rented to only one party of short-term renters.

(i) The number of individual bedrooms made available within a short-term rental unit shall not be greater than the number of lawful bedrooms contained within the dwelling unit.

(j) Commercial meetings and uses are prohibited in all short-term rentals.

(k) Social events with attendance of more than ten (10) individuals are prohibited in all short-term rentals.

(l) Any pool or spa made available as part of a short-term rental shall comply with the requirements for semi-public pools and spas as set forth in 105 CMR43S.

**10.13.5. Regulations.**

(1) The Department of Inspection Services shall have the authority to promulgate regulations to carry out and enforce the provisions of this §10.13 "Short-term Rentals."

(2) The Department of Inspection Services shall make regulations readily available to the public.

**AND BE IT FURTHER ORDAINED**

*That Chapter 7 of the Revised Ordinances of the City of North Adams be and is hereby amended by inserting into Appendix A in numerical order the following*

104	Operator-occupied short-term rental	P	P	P	P	P	P	P	P	P	P		
105	Owner-adjacent short-term rental	P	P	P	P	P	P	P	P	P	P		
106	Professionally-managed short-term rental	SPP	SPP	SPP	SPP	SPP		SPA	SPA	SPA	SPA	SPA	