

Short Term Rental Bylaw change Rev11

9.8 BED & BREAKFAST and Short-Term Rental

9.8.1 Purpose

The Bed & Breakfast and Short-Term Rental zoning bylaw provides for administration and enforcement of Westport Bed & Breakfasts and short-term rentals in order to protect the health, safety, and welfare of both the occupant(s) of those rental units and the general public, and to maintain the quality of life in residential neighborhoods. This bylaw provides for the orderly operation of Bed & Breakfast and Short-Term rentals and prevents negative impacts on neighborhood character, housing availability and house prices. This bylaw assists the Board of Health, Building Department, Police Department, and Fire Department in the enforcement of state and local health and safety laws.

9.8.2 General Requirements

9.8.2.1 Rental Permit

No person(s) shall operate a Bed and Breakfast or Short-Term Rental dwelling without first registering with the Board of Health and obtaining a Rental Permit.

- A. The Board of Health shall determine the number of bedrooms and the number of persons such dwelling or portion of a dwelling may lawfully accommodate.
- B. The Rental Permit shall be issued subject to regulations adopted by the Board of Health at a public hearing.
- C. The Board of Health shall, pursuant to the requirements of Section 9.8 and its regulations and fee schedule, issue a Rental Permit to be renewed annually. Failure of the owner to fully abide by the requirements of Section 9.8 may result in failure to grant or renew a rental permit.
- D. It shall be the responsibility of the property owner(s) to ensure full compliance with the Town of Westport Zoning Bylaws, the Westport Board of Health Short-Term Rental Regulation, and any other applicable state and local health and safety laws or regulations.

9.8.2.2 Requirements for both Bed & Breakfast and Short-Term Rentals.

- A. No tenant or lessee of an Owner shall let or sub-let a Bed & Breakfast or Short-Term Rental.
- B. The owner shall conform to any requirements of the Massachusetts Department of Public Health and the Department of Public Health and Code Enforcement, adhere to all existing rules, regulations, codes and other Federal, Commonwealth of Massachusetts and Town of Westport requirements pertaining to health and safety as typically regulated and enforced by

the Building Department, Board of Health, Conservation Commission, Fire Department, Planning Board and/or Board of Selectmen.

- C. The owner shall have accommodation for parking per Section 8.3.
- D. The applicant must be current with all town taxes, water, and sewage charges.
- E. In the Residential/Agriculture district, the Bed & Breakfast and Short-Term Rental is granted solely to;
 - a. a private Owner who is a resident of Westport
 - b. a legal resident of Westport
 - c. an LLC in which the majority owner is a resident of Westport
 - d. a Trust in which a Trustee is a legal resident of Westport.
- F. The permit shall not be transferable or assigned to any other person.
- G. The permit for a Bed & Breakfast or Short Term Rental does not run with the property, it shall be terminated upon the sale or transfer of the property for which the permit has been issued.
- H. If applicable, the owner shall obtain a Certificate of Registration with the Commonwealth of Massachusetts Department of Revenue including identification of state and local occupancy taxes.

9.8.3 Bed and Breakfast

A Bed and Breakfast consisting of renting rooms on a daily or weekly basis and providing breakfast meals to guests renting such rooms are permitted in accordance with Section 5.1 Table of Use Regulations and the following requirements.

9.8.3.1 Bed & Breakfast Requirements

- A. The only meal to be provided guests shall be breakfast, and it shall only be served to guests taking lodging at the facility and shall be included in the guestroom rate.
- B. Guestroom shall not include individual kitchen facilities, and shall have at least one toilet, one bath/shower, and one washbasin separate from those required for the single-family residence portion of the dwelling.
- C. Not more than forty-five (45%) percent of the entire habitable living space shall be allocated for Bed and Breakfast establishment purposes.
- D. One non-illuminated sign may be erected on the property, not to exceed eight (8) square feet in size, with no single dimension exceeding four feet (4').

9.8.4 Short-Term Rental

A Short-Term Rental is permitted as an accessory use in accordance with Section 5.1 Table of Use Regulations and the following requirements.

9.8.4.1 Short Term Rental Requirements

- A. The following residential housing units may not be used as short-term rentals:
 - a. Residential premises designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.
 - b. Dwellings subject to any requirement of local, state, or Federal law that prohibits the leasing or subleasing of the unit or use the unit as a Short-Term rental.
- B. Commercial meetings and for profit events or venues or uses are not permitted in Short-Term rentals.
- C. No signs are allowed identifying the property is available for short term rental.
- D. Short-Term rentals shall be for a minimum of two nights.
- E. The owner shall post the following information for all Short-Term renters:
 - a. An emergency exit diagram in all bedrooms used for rental.
 - b. Contact information for locally available representative designated to respond to all emergencies and problems that arise during the rental period whether from renters, neighbors, or municipal authorities.

9.8.4 Violation Provisions

Violations of this bylaw will be subject to the provisions of MGL Ch. 40, sec. 21D, regarding Non-Criminal disposition, as adopted by the Town of Westport. Any owner who fails to comply with any provision of these regulations shall be subject to the actions identified in Section 2.1 for each offense, where each day of noncompliance is considered a separate offense.

Change to Section 8.3

Add

Short Term Rental: a minimum of 1 space per guest room in a location normal for residential use, and on the premises.

Change Use Table

Uses	Residential/Agricultural	Business	Unrestricted
Bed & Breakfast (9.8)	Y	Y	Y
Short Term Rental (9.8)	Y	Y	Y

Add to Section 3.0 (Definitions)

Short-Term rental: A Short-Term rental is a dwelling that is not a hotel, motel, lodging house or bed and breakfast, where at least one room or unit is rented out through the use of advance reservations not to exceed 31 consecutive days. A short-term rental includes an apartment, house, cottage, and condominium. It does not include property that is rented out through tenancies at will or month-to-month leases. It also does not include time-share property or bed and breakfast (see definition of bed and breakfast).