

Town of Plymouth Board of Health Short-Term Rental Regulation

PROPOSED TOWN OF PLYMOUTH BOARD OF HEALTH REGULATION FOR SHORT TERM RENTALS PROPOSED EFFECTIVE DATE: JANUARY 1, 2024

1. Purpose: The Board of Health (BOH) "Short-Term Rentals" (STR or STRs) Regulation is intended to make the operation of STRs habitable and safe for Town of Plymouth residents by means of STR permitting and licensing and to identify and locate STRs within the Town to protect the health and safety of occupants and residents. "Licenses are required for three main purposes: To identify your business; to make sure you are accountable for your actions and to protect the public health and safety. This regulation also ensures that STRs will not create a public nuisance or have injurious impact to the natural and physical environment of the surrounding residential neighborhood.

2. **Authority:** The BOH has the authority to promulgate STR regulations by Massachusetts Session Law Acts of 2018, Chapter 337, Section 14 consistent with MGL 105 CMR 410 and including Supplements to MGL 310 CMR 15.000 Title 5 Board of Health for the Town of Plymouth updated 4-13-2011, as well as all relevant state and local laws and regulations. These regulations are adopted by the Plymouth BOH and enforced by the Plymouth Department of Public Health (PDPH).

2. Definitions:

Booking Agent: Any person or entity that applies for a permit to license an STR; facilitates reservations, collects payments or is listed as the Emergency Contact for an STR on behalf of or for an Operator.

Emergency Contact: An Operator/Owner or Booking Agent that is available twenty-four hours/seven days per week and has contact with the Occupant for Fire, Police, Safety Officer, Department of Public Health and Emergency Evacuation.

License for STR: A processed permit to license an Operator/Owner or Booking Agent for the purposes of renting a dwelling short term for monetary or in-kind gain. The license is accompanied by a fee (see Schedule) from the PDPH. The renewal period is every year or upon sale of the dwelling.

Non-conforming wastewater disposal system: MGL 310.CMR 15.000. A Cesspool or cesspit.

Occupant: Any person or persons occupying a dwelling unit, a bedroom or bedrooms within a dwelling unit, functioning as a STR for a duration of less than thirty-one (31) consecutive days - that is counted in the calculation for adult occupancy per assessed bedroom

Operator/Owner: The natural person who is the owner of the residence that he/she seeks to offer as an STR. Only one owner may be registered as an Operator on the BOH Application for Permit or Provisional Permit to license the STR. No other person may be listed as Operator even if that person is an owner and meets the qualifications of primary resident. The Operator will be listed as the Emergency Contact for the STR unless a Booking Agent is listed.

Operator/Owner-Adjacent STR: A dwelling unit that is not the primary residence of the Operator/Owner but is located within an owner-occupied residential building (e.g., condominiums) or the Operator/Owner is on the same Town Assessed plat or an abutting plat

with at least one contiguous property line and the Operator/Owner actively lives in the adjacent dwelling.

Operator/Owner Occupied STR: A single family dwelling unit of two or more individual bedrooms as verified by the Town of Plymouth Assessor, that is the primary residence of its Operator/Owner and a minimum of one bedroom is occupied by the Operator/Owner. The Operator/Owner actively lives in the dwelling unit during the rental period. A two-family dwelling unit where one unit is occupied as the primary residence of the Operator/Owner and the second unit is offered for STR.

Partially Exempt Properties: Partially Exempt Properties are exempt from these regulations in their entirety except for: 1) Application for permit to license an STR with payment of fee and 2) Basic Safety requirements. These exempt properties must still license or provisionally permit and conform to all safety-related regulations as listed below.

Public Nuisance: A nuisance involving an unreasonable or unlawful use of property that results in material annoyance, inconvenience, discomfort, or injury to another person or to the public. The term public nuisance covers a wide variety of minor crimes that threaten the health, morals, safety, comfort, convenience, or welfare of a community.

Provisional Permit: A permit for a dwelling with a non-conforming wastewater disposal system to be used as STR. A provisional permit will be issued and will expire at the end of two years but may be renewed annually for up to three additional years upon application to the Plymouth Board of Health provided that assurance is provided that compliance with MGL 310.CMR 15.000 Title 5 and Supplements to Title 5 and BOH for the Town of Plymouth updated 4- 13-2011 will be achieved prior to the expiration of the maximum provisional permit period of five years. The process for obtaining a STR license after the expiration of a Provisional Permit will be through an expedited hearing with the Board of Health.

STR or STRs: Any rental of a residential dwelling unit, or bedroom or bedrooms within a dwelling unit, in exchange for monetary payment or in-kind non-monetary barter, as residential accommodations for a duration of less than thirty-one (31) consecutive days and rented for a period greater than 14 days total within a calendar year.

EXCLUSIONS: Mobile homes, multi-family residences of three (3) units or greater unless the owner is a full-time resident in the multi-family; homes that receive assistance such as affordable housing loans or Habitat for Humanity or other public or private subsidy; Recreational Vehicles (RV's) that remain stationary for the duration of the rental period in driveways are not eligible. **See additional list:**

Partially Exempt Property List Categories:

- A.** Any Operator/Owner occupied STR that can show sufficient parking and that the septic system is conforming as defined in MGL Title 5 and Town of Plymouth bylaws.
- B.** Any Operator/Owner-adjacent STR that can show sufficient parking and that the septic system is conforming as defined in MGL Title 5 and Town of Plymouth bylaws.
- C.** Any residential buildings (e.g., condominiums) that can show association approval (where applicable) and can show sufficient parking.

Ineligible Properties: Any property that is subsidized in any way by Town, State or Federal or Private monies or regulations (e.g. any multifamily or single family that is built for or contains affordable housing units or is an affordable housing unit; any Habitat for Humanity dwelling; any unit that is in the Town lottery program for affordable housing); any mobile home (manufactured housing); any dwelling that is not on a permanent foundation such as a shed or tent (Town registered camps are not included in this regulation). Campers, RV's or buses that are stationary and located on driveways are also ineligible.

No LTR's to STR's are allowed in multifamily apartments through eviction of LTR tenants.

4. Registration and Operational Procedures

A. No permit to license will be issued for STR to properties with a non-conforming wastewater disposal system (e.g., failed system). The PDPH will verify through records the history of the dwelling unit wastewater treatment (public, private - Title 5 compliant; failed). Dwellings for STR with failed wastewater treatment will be issued a Provisional Permit.

B. The license shall require the operator to agree to abide by the requirements of this section. If the permit to license is completed by the Booking Agent, that Agent shall provide written evidence to the PDPH that the Owner or the condominium association, if applicable, has consented to the short-term rental use of the property.

C. In the absence of a properly completed self-attestation form, the PDPH may conduct an inspection to verify that each dwelling unit and bedroom to be rented to short-term renters:

- i.** Meets all building code requirements for occupancy.
- ii.** Meets all other requirements of this BOH STR regulation.
- iii.** It is the responsibility of the STR operator to renew its license every year or upon change of operator/owner. A Change of Contact information is required for change of Booking Agent.

D. STRs are licensed in existing dwellings in the Town where residential use is permitted, subject to the following requirements:

Basic Safety and Permitting/Licensing Regulations

i. All STR operators or booking agents shall file for a permit to license with the PDPH prior to STR use and occupancy.

ii. Operators or Booking Agents of short-term rentals shall remit to PDPH all fees as required, show proof of STR registration with the State of Massachusetts, and fulfillment of requirements for insurance by the Town and/or State authorities.

iii. Please be aware that prior to issuing permits or licenses the Town will verify the status of all local taxes, fees, assessments, betterments or other municipal charges. Should you have outstanding local taxes, fees, assessments, betterments or other municipal charges, no permit or license can be issued until payment has been received.

iv. A dwelling unit or bedroom offered for short-term rentals shall comply with MGL Chapter 111 105 CMR requirements for health and safety as well as the Standards of Fitness for Human Habitation as stated in Massachusetts State Sanitary Code-Article II-310 CMR 410.000 and municipal By-Laws. Included in these requirements are functioning smoke detectors outside or inside of each bedroom and carbon monoxide detectors on each level. A fire extinguisher shall be mounted in (or near) kitchens used for the STR in a clearly visible location. Well water used for drinking or cooking (potable) purposes must be tested prior to initial registration and every subsequent 5 years for attachment to the registration form to ensure that it is safe to use for personal consumption. A private wastewater system pumping record within the past three years must be on record in the PDPH.

v. Newly registered STRs that are lacking a completed self-attestation form at the time of registration are subject to an initial safety inspection by PDPH, Fire Department, and Division of Inspectional Services officials. Inspections of all STR's may also be scheduled in response to complaints. Operator/Owners or Booking Agents will be contacted through the information on the Permit. Failure to provide updated contact information will be a failure to comply with these regulations and a revocation of the License. Failure to provide access to properties for this purpose or failure to comply with orders to correct deficiencies will result in fines or revocation of license as determined by the PDPH. Appeals of these penalties may be made within ten business days to the BOH.

Additional Requirements for Non-Exempt Properties

- i.** The maximum occupancy by adults over the age of 16 shall be set at two (2) more than twice the number of bedrooms (i.e., six (6) for a two (2) bedroom unit). This provision shall not apply in the case of direct relatives of the operator/owner. In the case of STR properties serviced by a septic system, the number of occupants may not exceed the capacity of the system. All septic systems must be Title 5 compliant and must be inspected and serviced as required by MGL 310 CMR 15.000, with pumping at least once every three years. Evidence of Title 5 pumping within the past three years must be on file in the PDPH or presented at the time of permitting.
- ii.** A dwelling unit or bedroom offered for STR use shall comply with all standards and regulations promulgated by the BOH.
- iii.** As required by state law, STR operators shall maintain liability insurance in the amount of at least \$1,000,000 to cover the STR use.
- iv.** The number of individual bedrooms made available for STRs within a dwelling unit shall not be greater than the number of lawful bedrooms in the dwelling unit as confirmed for this purpose only by the Plymouth Department of Public Health or Board of Health.
- v.** Renting for an hourly rate, or for rental durations of less than eight (8) consecutive hours, shall not be permitted.

Any person aggrieved by the decision of the PDPH may appeal the decision to the BOH within ten (10) business days of grievance. Furthermore, if the decision of Director of PDPH and/or

Enforcement Agent is upheld by the BOH, the aggrieved party may appeal the Board's decision in any court of competent jurisdiction, as provided in the laws of the Commonwealth.

7. Severability

Each section of these regulations shall be constructed as separate to the end that if any regulation or sentence, or phrase thereof shall be held invalid for any reason, the remainder of these regulations and all other regulations shall continue in full force.

8. Effective Date

The provisions of this BOH Regulation "Short-Term Rentals" shall take effect on January 1, 2024 in order to allow potential STRs to begin the permitting process for compliance to take effect on May 1, 2024. This ensures that the PDPH will be able to receive STR applications for registration, schedule any necessary inspections, and issue STR registration licenses to begin on the effective date of May 1, 2024.

Board of Health Members Authorizing and Approving Signatures:



Barry Potvin



Teri Reid (Aug 18, 2023 11:24 EDT)

Teri Reid



David M. Golden, Jr (Aug 16, 2023 11:14 EDT)

David Golden



Amy Donovan-Palmer (Aug 16, 2023 21:33 EDT)

Amy Palmer



Lorenzo Pizarro (Aug 16, 2023 11:45 EDT)

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STR Regulation 2024

Final Audit Report

2023-08-18

Created:	2023-08-16
By:	Margaret Coe (margcoe@aol.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAFouP22QlyC6Xk84_FS6X-P_dee5hTERH

"STR Regulation 2024" History

-  Document created by Margaret Coe (margcoe@aol.com)
2023-08-16 - 2:37:25 PM GMT
-  Document emailed to potvin@plymouth-ma.gov for signature
2023-08-16 - 2:38:00 PM GMT
-  Document emailed to reid@plymouth-ma.gov for signature
2023-08-16 - 2:38:00 PM GMT
-  Document emailed to golden@plymouth-ma.gov for signature
2023-08-16 - 2:38:00 PM GMT
-  Document emailed to palmer@plymouth-ma.gov for signature
2023-08-16 - 2:38:00 PM GMT
-  Document emailed to pizarro@plymouth-ma.gov for signature
2023-08-16 - 2:38:01 PM GMT
-  Email viewed by golden@plymouth-ma.gov
2023-08-16 - 3:14:31 PM GMT
-  Signer golden@plymouth-ma.gov entered name at signing as David M. Golden, Jr
2023-08-16 - 3:14:55 PM GMT
-  Document e-signed by David M. Golden, Jr (golden@plymouth-ma.gov)
Signature Date: 2023-08-16 - 3:14:57 PM GMT - Time Source: server
-  Email viewed by pizarro@plymouth-ma.gov
2023-08-16 - 3:45:09 PM GMT
-  Signer pizarro@plymouth-ma.gov entered name at signing as Lorenzo Pizarro
2023-08-16 - 3:45:30 PM GMT



Document e-signed by Lorenzo Pizarro (pizarro@plymouth-ma.gov)

Signature Date: 2023-08-16 - 3:45:32 PM GMT - Time Source: server



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2023-08-16 - 6:29:31 PM GMT



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2023-08-16 - 6:30:25 PM GMT



Document e-signed by Barry Potvin (potvin@plymouth-ma.gov)

Signature Date: 2023-08-16 - 6:30:27 PM GMT - Time Source: server



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2023-08-17 - 1:31:57 AM GMT



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2023-08-17 - 1:33:04 AM GMT



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2023-08-18 - 3:23:36 PM GMT



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2023-08-18 - 3:24:09 PM GMT



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2023-08-18 - 3:24:11 PM GMT



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