

PLANNING BOARD
RICHMOND, MASSACHUSETTS

Report Regarding Proposed Zoning Bylaw Amendment

This report is provided to the Board of Selectmen for Town Meeting in accordance with MGL Ch 40A, sec. 5.

Pursuant to a proposed amendment to Section 4.8.A.13 of the Richmond Zoning Bylaw, the Planning Board posted Notice of a Public Hearing on April 3, 2024 at Town Hall. Legal Notices appeared in the *Berkshire Eagle* on April 4, 2024 and April 18, 2024.

On April 23, 2024, the Board convened the Public Hearing. After the hearing, the Board deliberated and made the following recommendation:

- The Planning Board recommends that the amendment be placed on the Warrant for the Annual Town Meeting under the sponsorship of the Board of Selectmen.

Doug Bruce, Chairman

A handwritten signature in black ink, appearing to read "Doug Bruce", is written below the printed name.

Proposed Zoning Bylaw changes in red so that the section reads as shown below.

Section 4.8	A. PERMITTED PRINCIPAL USES	DISTRICTS		
		RA-A		COMM1
	<i>Continued:</i>	RA-C	SR	COMM2
1.	Short-Term Room Rental Business for more than 80 days provided that:	SPA	SPA	SPA
	a) The business passes an annual Safety inspection by the Inspector of Buildings.			
	b) The business shall comply with all Town regulations and bylaws and Commonwealth of Massachusetts law, including all health and safety regulations.			
	c) The Board of Appeals finds that the lot size, buildings, structures, off-street parking, number of occupants , and other facilities and equipment are adequate for the proposed use and that the operation of the business will not be detrimental to the neighborhood.			

Proposed
General
Bylaw



**TOWN OF RICHMOND
SHORT-TERM RENTALS**

Definition:

"Short-Term Rental" (STR) is defined as an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium, or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least one (1) room or unit is rented to an occupant or sub-occupant; (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such and, except for certain lodging types excluded from such regulation by Massachusetts General Law. STRs are rentals of thirty-one (31) consecutive calendar days or less duration.

Purpose:

Short-Term Rentals (STRs) are allowed for residential properties in conformance with regulations that aim to balance private, neighborhood, and municipal interests by ensuring compliance with applicable Massachusetts General Law regarding STRs and ensure observance of residential health and safety regulations to include the protection and maintenance of the residential character of existing neighborhoods, preservation of housing options for new residents by deterring commercial interests from buying housing to use primarily as STR businesses, and the enabling of residents to earn extra money from their properties to better afford to live here, maintain their properties, and to contribute to the community.

Requirements:

No dwelling unit or part thereof may be offered as a STR within the Town of Richmond unless it is registered annually with the Town by the Owner through an application process approved by the Select Board in accordance with this Chapter, and registered with the Commonwealth of Massachusetts Department of Revenue in accordance with applicable laws.

If a person owns multiple properties in town, only one is allowed to be used as a STR. A person (or Owner) may hire a property management company to list and manage a STR, but registration must be in the Owner's name. No person (or Owner) shall have more than one legal, equitable title, or beneficial interest in any dwelling unit used as a STR.

All STRs must register annually with the Richmond Selectmen. Each Town registration of a Short-Term Rental shall include a registration number. Any listing offering the STR for rent shall include the Town-issued registration number and the maximum occupancy allowed. The following information must be provided:

Owner Name, Address, Email Address, Phone Number:

- If owned by a Trust, Trustee and Beneficiary name and contact information in addition to a copy of the Trust;
- If owned by an LLC, the members of the LLC, contact information and a copy of the Articles of Organization and Bylaws.

Local Manager Name, Address, Email Address, Phone Number:

- The name and contact information of the local responsible party (required) who would respond in the event of any problem, complaint or emergency reported by a guest, Richmond residents or Town government. A short-term rental is required to have a local manager or responsible party who will respond within two (2) hours to any problem or complaint and within thirty (30) minutes in an emergency; failure to do so may result in imposed fines.

Booking Agent, if any (such as a Realtor)

- The Operator or booking agent of a STR shall keep either paper or electronic records that include the number of occupants present during each rental period. The records must be produced upon demand by the Richmond Board of Health, the Board of Selectmen, or either Board's designee and such records must be maintained for two (2) years after the date of the rental.

Regulations:

- Copy of Certificate of Registration/Massachusetts Department of Revenue
- A dwelling unit or bedroom offered for STR use shall comply with all standards and regulations promulgated by the Richmond Board of Health.
- No unit or portion thereof may be rented for more than 80 days per calendar year.
- An owner wishing to rent more than 80 days must obtain a zoning special permit where required by the Town of Richmond Zoning Bylaw Section 4.8
- Occupancy is limited to total legal occupancy per dwelling; if total occupancy is exceeded, fines may be applied on a daily basis until brought into compliance.
- A STR is not allowed on any property with outstanding violations of Building, Fire, Health codes, and/or Town Bylaws.
- STRs are prohibited in dwelling units owned by a corporation. STRs are permitted in dwelling units owned by an LLC or Trust only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.
- Commercial meetings and uses are prohibited in STRs.
- STRs are prohibited in dwelling units 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.
- An owner shall not register or offer a rental unit subject to a long-term lease as a Short-Term Rental, nor shall a tenant offer his/her/their rental unit as a Short-Term Rental.
- Number of off-street parking spaces provided (off-street parking on the property adequate to house all guest occupant vehicles for overnight parking is required)
- Events that include tents or amplified music or which would customarily require a license or permit are prohibited.
- An Owner shall POST in any STR unit the following information in a conspicuous place:

- The Owner's Certificate of Registration with the Town;
- STR street address;
- Contact information for the Operator and whom to call in an emergency;
- Instructions for recycling and waste disposal;
- Notice that dogs must be leashed when outdoors if not in a securely fenced enclosure;
- Notice that no excessive noise shall occur after 8:00 PM or earlier than 8:00 AM.
- Richmond Shores locations shall also post Richmond Shores regulations.
- Signs on the property advertising the STR are prohibited.
- No advertising in any media shall exceed legal occupancy total; non-compliance shall result in fines levied on a daily basis until brought into compliance.
- No commercial trash receptacle such as a dumpster may be maintained on the property to be used for regular trash pickup; trash removal must be limited to regular, weekly (or more frequent as needed) residential trash removal services. Trash removal shall be the responsibility of the owner/operator.
- The Board of Selectmen and the Board of Health may adopt and amend regulations in furtherance of the implementation of this bylaw.

Inspections:

- STRs are subject to inspection by Richmond Board of Health, Fire Department, and or the Richmond Building Inspector.
- Inspections may be scheduled in response to complaints by renters or by owners or tenants of neighboring properties. A complaint process shall be made available on the Town of Richmond website.
- Failure to provide updated contact information will be a failure to comply with this bylaw and may result in the refusal to allow registration renewal if there is a failure to respond after a reasonable attempt is made to contact the Owner, or Local Manager.
- Failure to provide access to properties for inspection or failure to comply with orders to correct deficiencies may result in fines or in the refusal to allow registration renewal. Appeals of these penalties may be made within ten (10) business days to the Richmond Board of Selectmen.
- In the event that there are three (3) or more violations or numerous substantiated complaints within a twelve (12) month period, the right to renew registration may be denied by vote of the Board of Selectmen.

License Fees & Fines:

\$75 registration/license fee shall be made annual to the Town of Richmond.

If any Occupant, Operator or Owner violates any provision of this bylaw, the Owner or Operator may be subject to a civil penalty in accordance with the following:

- \$100 1st Offense
- \$200 2nd Offense
- \$300 3rd Offense – and each subsequent offense
- Each day that a violation exists constitutes a separate offense



TOWN OF RICHMOND SHORT-TERM RENTAL REGISTRATION APPLICATION

OFFICE USE ONLY

- ☐ Rental of Rooms
☐ Accessory Dwelling Unit
☐ Entire Dwelling Unit

Registration #: _____

All short-term rentals must be registered annually by January 1st with the Town of Richmond. Short-term rentals (STRs) are allowed for residential properties in conformance with regulations that aim to balance private, neighborhood, and municipal interests by ensuring compliance with applicable Massachusetts General Law regarding STRs and ensure observance of residential health and safety regulations. A "Short-term rental" is defined as an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. Short-term rentals are rentals of 31 consecutive days or less duration. **Please complete the Short-Term Rental Registration Application and submit it to the: Town of Richmond, Selectmen's Office, 1751 State Road, Richmond, MA 01254.**

Rental Property Address: _____

Property Owner Information

Name:		
Mailing Address:		
City:	State:	Zip:
Phone #:	Email:	
MA Department of Revenue Certificate #:		

Please fill out the following if property owner does NOT reside within Berkshire County, MA:

Local Contact Name:		
Local Contact Address:		
City:	State:	Zip:
Primary Phone #:	Secondary Phone #:	
Email:	Is LOCAL contact the primary contact? Y N	

Property owner attests and affirms that they are familiar with their obligation to comply with the State Sanitary Code, Federal, State and Local housing regulations, and all other regulations applicable to residential dwellings, and that they intend to comply with said regulations. Please return completed form to the Richmond Board of Selectmen at the Richmond Town Hall, 1751 State Road, Richmond, MA 01254.

Owner Signature: _____

Date: _____