

Agenda Summary
February 29, 2024

Agenda No. B-1

STR Short-Term Rental Registry Ordinance Public Hearing and Potential Final Passage

Summary: This time has been set aside for a public hearing and for the Selectboard to consider final adoption of the proposed Short-Term Rental Registry Ordinance.

Vermont statute 24 VSA § 2291 (29) authorizes municipalities to regulate Short-term Rentals (STR's). It states, "For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers: To regulate by means of an ordinance or bylaw the operation of short-term rentals within the municipality, provided that the ordinance or bylaw does not adversely impact the availability of long-term rental housing."

The current draft of the STR Ordinance would require all STR's to register. The definition of STR is in accordance with Vermont Law. Short-Term Rental property "means any lease or rental of residential real property, including a furnished house, condominium, or other dwelling room or self-contained Dwelling Unit, or a portion thereof, to transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year, but specifically excluding commercial lodging establishments such as hotels, motels, inns and bed and breakfast."

It would also require the owners of all STR properties to ensure that the Stowe Fire Department has year-round 24-hour access to the STR through a Fire Department approved lock box or other reasonable means of providing immediate access authorized by the Fire Department. In addition, all STR properties shall have a Designated Responsible Person, who may be the STR Owner, who is available and authorized to respond to emergency situations and other issues related to the STR when the property is being rented or leased as an STR. The designated Responsible Person shall respond within 45 minutes of notification by a Stowe Firefighter or Police Officer regarding any issue or problem involving a Short-Term Rental when the property is being rented or leased as an STR.

Town Plan Update: Conforms with Local Planning Process Goal "To ensure the widespread involvement of Stowe citizens and property owners at all levels of the local planning and decision-making process." Conforms with Housing Goal "To ensure the availability of housing for all Stowe residents and non-resident property owners that is of high-quality design, is energy efficient, and is compatible with the character of the community."

Fiscal Impact: The cost of administering and enforcing the ordinance may be offset by fees which will be set annually by the Selectboard.

Recommendations: Have the Chair read the Ordinance in full and provide all people interested with an opportunity to be heard. If and when the Selectboard is ready, move to approve the Short-Term Rental Registry Ordinance.

Town Of Stowe

Notice of Public Hearing

To Consider Adoption of the Proposed Short-Term Rental Registry Ordinance

The Stowe Selectboard will be holding a public hearing on Thursday, February 29, 2024, at 5:30 p.m., at the Akeley Memorial Building at 67 Main Street in Stowe, Vermont to receive public comment on and to consider the final passage of the proposed Short-Term Rental Registration Ordinance. As provided in the Stowe Charter, during the public hearing the ordinance shall be read in full, and after such reading, all persons interested shall be given an opportunity to be heard. After such hearing, the Selectboard may finally adopt such ordinance.

TOWN OF STOWE

SHORT-TERM RENTAL REGISTRY ORDINANCE

- I. **Authority:** This Ordinance is adopted pursuant to the authority set forth in Chapters 59 and 61 of Title 24 of the Vermont Statutes Annotated, including specifically 24 VSA § 2291(29), and § 204 of the Town of Stowe Charter. This Ordinance shall be designated as a civil ordinance under 24 V.S.A. § 1971(b).

- II. **Purpose:** The Town of Stowe values its history and status as a vibrant, year-round mountain resort town and recognizes the significant benefit to the local economy and community stemming from tourism. The purpose of this ordinance is to seek to balance the well-established practice of renting residential dwelling units to travelling transients and the visiting public, while preserving the character of residential neighborhoods and minimizing and potential negative impacts of Short-Term Rentals, and continuing to promote public health, safety and welfare of visitors and residents, both full-time and part-time. By establishing an orderly process for identifying Short-Term Rental properties in the Town, and compiling a database of the Designated Responsible Persons and emergency contact information for each Short-Term Rental property, the Town intends to ensure an effective and expedient response to an emergency that may arise in connection with the Short-Term Rental property.

Furthermore, through the establishment of a dynamic Registry of Short-Term Rental properties, the Town seeks to gather information regarding the practice of renting residential dwelling units on a short-term basis, so the Town may better evaluate and determine through data what regulation of such

rental properties, if warranted, is appropriate and consistent with the best interests of the Town, its residents (full-time and part-time) and visitors.

III. Definitions: The following definitions shall apply to this Ordinance.

- A. “Dwelling Unit” shall mean one or more rooms, connected together, constituting a separate, independent housekeeping establishment for Owner occupancy, rental or lease, physically separated from any other rooms or dwelling units which may be in the same building, and containing independent cooking, sanitation and sleeping facilities.
- B. “Owner” shall mean the Person(s) in whom is vested title to real property in or on which a STR is located, or that is rented as an STR, regardless of whether that title is undivided or fractional. While an Owner may be represented by, and Owner obligations under this Ordinance may be performed by, an agent, the Owner is ultimately responsible for the STR and compliance with this Ordinance.
- C. “Person” shall include any natural person, corporation, municipality, the State of Vermont or any department, agency, or subdivision of the State, and any partnership, unincorporated association, or other legal entity.
- D. “Designated Responsible Person” shall mean a Person or Persons designated and authorized by the Owner to act as their agent, or that Person’s employee or agent, capable of and responsible for responding to emergency situations and other issues related to the STR when the property is being rented or leased as an STR, including providing first responders with timely interior and exterior access to the Short-Term Rental. For the sake of clarity, the Designated Responsible Person may be the Owner of the STR.
- E. “Short-Term Rental” or “STR” or “Short-Term Rental property” means any lease or rental of residential real property, including a furnished house, condominium, or other dwelling room or self-contained Dwelling Unit, or a portion thereof, to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year, but specifically excluding commercial lodging establishments such as hotels, motels, inns and bed and breakfasts. For the sake of clarity, the definition of Short Term Rental shall include residential real property located within a Commercial Lodging Facility that is held in separate and unaffiliated ownership from the Commercial Lodging Establishment itself, as in the case of individually owned rooms within a so-called condominium hotel, where said residential real property is rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year.

- F. “Short-Term Rental Registration form” shall mean the form that the Owner of a Short-Term Rental property must submit to the Town or its designee containing required information related to the Short-Term Rental property.

IV. Short-Term Rental Registration and Other Requirements:

- (1) Prior to renting an STR property, the Owner of the property proposed for Short-Term Rental, or their authorized agent, shall complete and submit to the Town a Short-Term Rental Registration form and pay any required fee(s) for each Dwelling Unit they may separately rent as an STR. An authorized agent may register and pay required fees on behalf of multiple STR owners provided the required fees are paid for each Dwelling Unit. An STR Registration form may be completed and submitted at any time during the calendar year, provided submission of the form precedes rental of the involved STR Dwelling Unit. The STR Registration form, once completed and submitted, shall cover the STR for the remainder of the calendar year and shall be subject to the renewal provisions hereof beginning January 1 of the following year.
- (2) The Short-Term Rental Registration form shall be developed by the Town Manager and, subject to the requirements of this Ordinance, may be administratively modified or amended from time to time by the Selectboard at the Board’s sole discretion.
- (3) The Short-Term Rental Registration form shall require that the Owner of Short-Term Rental property provide the following information to the Town, as well as and such additional information about the STR as the Manager or Selectboard may reasonably require:
 - (a) physical (E-911) address(es) of all Short-Term Rental property offered for lease/rental;
 - (b) contact information for the property Owner, including: the Owner’s full name, mailing and/or physical address, telephone number and email address;
 - (c) contact information for the Designated Responsible Person and other agent(s) of the Owner, including: Designated Responsible Person’s/agent’s full name, mailing and/or physical address, telephone number and email address;
 - (d) whether the Short-Term Rental is the Owner’s primary residence or, if the Owner is not a natural person, whether the Short-Term Rental is the primary residence of a member, director or authorized representative of the Owner;
 - (e) the number of bedrooms in the Dwelling Unit being leased/rented as STRs.

- (4) After completing and submitting a Short-Term Rental Registration form, the Owner shall report to the Town any material change(s) in the required information submitted to the Town within thirty (30) days of the occurrence of the change.
- (5) Upon the conveyance of title to any property on the Town's Short-Term Rental Registry, and no later than thirty (30) days from the date of the conveyance as evidenced by the date on an instrument conveying the property filed in the Town's Land Records, the new Owner shall complete a new Short-Term Rental Registration form with updated information to continue to use the property as a Short-Term Rental.
- (6) The STR Owner or authorized agent shall post in a visible location within the unit the telephone number of the Designated Responsible Person.
- (7) Upon submission of all required STR Registration information, the registered property may be rented as an STR, subject to the requirements of this Ordinance and the payment of any required fee(s). Note, however, that a building in which people rent accommodations constitutes a "public building" under 20 V.S.A. § 2730(a)(1)(D) and, as such is subject to the authority of the State of Vermont Division of Fire Safety, or its designee. Other provisions of federal, State and local law may also apply to Short Term Rentals.
- (8) Once submitted, an STR Registration may be renewed upon the payment of any applicable Registration renewal fee and the provision of any required/updated information.
- (9) In addition to non-compliance with other mandatory provisions hereof, it shall be a violation of this Ordinance for the Owner of real property used as an STR to:
 - (a) lease or rent their property as a Short-Term Rental without first registering it with the Town as provided herein.
 - (b) provide intentionally false or materially misleading information on any Short-Term Rental Registration form.
 - (c) fail or refuse to pay the STR Registration fee or renewal fee.
- (10) The Owners of all STR properties shall ensure that the Stowe Fire Department has year-round, 24-hour access to the STR through a Fire Department approved lock box or other reasonable means of providing immediate access authorized by the Fire Department.

(11) All STR properties shall have a Designated Responsible Person, who may be the STR Owner, who is available and authorized to respond to emergency situations and other issues related to the STR when the property is being rented or leased as an STR. The designated Responsible Person shall respond within 45 minutes of notification by a Stowe Firefighter or Police Officer regarding any issue or problem involving a Short-Term Rental when the property is being rented or leased as an STR. For the purposes of the foregoing sentence, “respond” shall mean arrive, in person, at the location of the involved Short-Term Rental property, unless specifically excused from doing so by a Stowe Firefighter, Police Officer, the Town Manager or other Person authorized to enforce this Ordinance. This provision is not intended to require a Designated Responsible Person to violate the law, including speed limits, or place themselves or others in an unreasonable at-risk situation to facilitate a timely response.

V. **Fees.** The Selectboard may, from time to time, establish and adopt fees related to the administration of this Ordinance, including STR registration and renewal fees, and may incorporate all such fees into a duly adopted fee schedule, which may be amended from time-to-time at the Selectboard’s sole discretion.

VI. **Enforcement.** Any Person who violates a provision of this civil ordinance shall be subject to a civil penalty for each such violation. Each day the violation continues shall constitute a separate offense; provided, however, that liability for continuing violation(s) shall not accrue unless and until seven (7) days have expired after notice of the violation. The Stowe Fire Chief, the Stowe Police Chief, and the Town Manager (or their designees) shall all be designated and authorized to act as Issuing Municipal Officials to issue and pursue before the Judicial Bureau, or another court having jurisdiction, municipal complaints to enforce this Ordinance. An Issuing Municipal Official or the Town Attorney may dismiss or amend a municipal complaint in appropriate circumstances in accordance with law or court rules.

A. **Waiver Fees.** An Issuing Municipal Official is authorized to recover waiver fees, in lieu of a civil penalty, in the following amounts, for any person who declines to contest a municipal complaint and pays the waiver fee:

First Offense -	\$100
Second Offense -	\$200
Third Offense -	\$300
Fourth and Subsequent Offenses -	\$400

Offenses shall be counted on a twelve (12) month basis, beginning January 1 and ending December 31 of each year. An Issuing Municipal Official shall have discretion, for good cause shown, to issue a written warning, without recovering a waiver fee, for any First Offense. In such instance, the written warning shall be counted as a First Offense for calculating the number of annual offenses.

B. **Civil Penalties.** An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First Offense -	\$200
Second Offense -	\$400
Third Offense -	\$600
Fourth and Subsequent Offenses -	\$800

Offenses shall be counted on a twelve (12) month basis, beginning January 1 and ending December 31 of each year. An Issuing Municipal Official shall have discretion, for good cause shown, to issue a written warning, without recovering a civil penalty, for any First Offense. In such instance, the written warning shall be counted as a First Offense for calculating annual offenses.

C. **Other Relief:** In addition to the enforcement procedure available under Chapter 59 of Title 24, the Town Manager is authorized to commence a civil action in a court of competent jurisdiction to obtain injunctive relief and/or to seek such other appropriate relief to enforce this Ordinance as is authorized by law.

VIII. **Severability.** If any provision of this ordinance is deemed by a court of competent jurisdiction to be unconstitutional, invalid or unenforceable, that provision shall be severed from the ordinance and the remaining provisions that can be given effect without the severed provision shall continue in effect.

IX. **Effective Date.** This Ordinance shall take effect on May 1, 2025.

ADOPTED at Stowe, Vermont, this ___ day of _____, 2024.

Stowe Selectboard

Received and Recorded: _____

Clerk: _____