

**TOWN OF MASHPEE
BOARD OF HEALTH**

SHORT-TERM RENTAL REGULATION

1. PURPOSE

The purpose of this regulation is to protect the health, safety and welfare of both the occupant(s) of rental housing units and the general public and to maintain the quality of life in residential neighborhoods. The regulation will assist the Board of Health in the enforcement of state and local health and safety laws or regulations and provide a method for correcting violations when conditions require immediate attention, in particular, situations associated with recreational tenancy in the Town of Mashpee.

2. AUTHORITY

This regulation is adopted under the authority of Massachusetts General Laws Chapter 140, Section 32B; Chapter 111, Section 31; and Chapter 111 Section 127A.

3. DEFINITIONS

- a) **Applicant** – any owner(s) who makes a formal application/registration with the Board of Health for a Rental Certificate.
- b) **Dwelling** – any building or area in a building used or intended for use for human habitation including, but not limited to, apartments, condominiums, cottages, guest houses, one-, two- or multi-unit residential buildings and rooming houses, but not including any facility licensed under any state housing or local housing laws or bylaws, including affordable housing facilities.
- c) **Occupant** – Anyone entitled for a period of, at minimum, one night to the use or possession, or the right to use or possession, of a rental property designed and normally used for sleeping and living purposes, or the right to the use or possession of the furnishings or the services and accommodations accompanying the use and possession of such rental property, regardless of whether such use and possession is as a lessee, tenant, or licensee.
- d) **Owner(s)** – any person who, alone or severally with others, has legal title to any dwelling, dwelling unit, rooming unit or parcel of land, vacant or otherwise; mortgagee in possession; or owner's representative, trustee, or other person appointed by the courts.
- e) **Person** – any individual, partnership, corporation, limited liability company, firm, association or group, including a governmental unit, other than the Town of Mashpee or any of its agencies.
- f) **Rental Property** – an owner-occupied, tenant-occupied, or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or furnished accommodation that is not a hotel, motel, lodging house, or bed and breakfast establishment

where 1) at least one room or unit is rented to an occupant or sub-occupant for a period of at least one night but not more than 31 consecutive calendar days; and 2) all accommodations are reserved in advance.

4. RENTAL PROPERTY REQUIREMENTS

- a) It shall be the responsibility of the property owner(s) to ensure full compliance with the Town of Mashpee Rental Property Bylaw, the Mashpee Board of Health Short-Term Rental Regulation, and any other applicable state and local health and safety laws or regulations.
- b) It shall be the responsibility of the property owner(s) to register with the Department of Revenue and to obtain a Certificate of Registration for each property they offer for short-term rental in the Town of Mashpee.
- c) In accordance with Section C of the Rental Property Bylaw (Section 106-8), the Board of Health shall determine the number of bedrooms and occupancy of the rental property and report the number of bedrooms and occupants on the rental certificate. Occupancy shall be based upon two people per bedroom.

5. RENTAL CERTIFICATE

The following information shall be provided on the Rental Certificate:

- a) The owner(s) name, address and telephone number.
- b) The number of dwelling units and the number of bedrooms in each dwelling unit.
- c) The maximum number of occupants, as defined in Section C1 of the Rental Property Bylaw, which may be permitted in each dwelling unit.
- d) The name, address, and telephone number(s) of the responsible individual(s) who will be available to respond to emergencies and requests for assistance from owners, occupants, or Town of Mashpee staff within 24 hours of being contacted.
- e) A summary of other laws, by-laws, and regulations that are applicable to the rental of dwelling units within the Commonwealth. The summary is provided to the owner(s) and occupant(s) as an advisory of the requirements for proper conduct, safety and public health.

6. APPLICATION FOR RENTAL CERTIFICATE

An owner of a dwelling which is rented for residential use shall provide the Board of Health with a rental application which includes their current residential address and telephone number. If the owner is a corporation, the name, address, and telephone number of the president or legal representative of the corporation shall be provided. If the owner is a realty trust or partnership, the name, address, and telephone number of the managing trustee or partner shall be provided. If the owner is not available to provide access or to service the occupant(s) or Town of Mashpee in a timely manner, the owner shall designate one or more responsible individuals who can be reached, and who shall be available at all times (twenty-four hours per day, seven days per week) to respond to emergencies and requests for assistance from occupant(s) or Town of Mashpee staff. Said designated individual shall respond to a notification of emergency within 24 hours of being contacted by owner(s), occupant(s), or Town of

Mashpee staff. The name, address and telephone number of the responsible individual(s) so designated shall be provided on the application.

7. INSPECTIONS

- a) Dwelling units covered by this regulation shall be subject to inspection at reasonable times by the Board of Health and its agents. The Board, at its discretion, may request other inspectional service personnel (e.g. Building, Electrical, Plumbing and Fire Departments) to accompany them to the property for inspection. All interior inspections shall be done in the company of the owner(s), occupant(s) and/or the representative of either. If the dwelling unit is occupied, reasonable notice shall be provided.
- b) Required inspections by inspection services personnel shall occur prior to issuance of a Rental Certificate, with routine inspections to be conducted once annually thereafter. Within the first year of adoption, temporary rental certificates shall be issued by the Board of Health, at their discretion, to allow the Code Compliance Inspector to schedule inspections in a timely manner.
- c) Rental properties with more than one dwelling unit shall have all units inspected every three years, with a maximum of 1/3 of the units being inspected each year.
- d) If a dwelling unit fails to pass inspection, a copy of the inspection report shall be provided specifying the violations. Once violation(s) have been corrected, the Health Department will conduct one free re-inspection. A \$25 re-inspection fee will be charged for any subsequent re-inspections after the first re-inspection.
- e) Health inspections shall be performed in accordance with Chapter II of the State Sanitary Code 105 CMR 410.000.

8. VARIANCE

The Mashpee Board of Health, in any particular case and following a public hearing, may vary any provision of this regulation when, in its opinion, any of the following exists:

- a) The applicant has proved the same degree of protection of the public health, safety and welfare can be achieved without strict application of the particular provision or provisions requested to be modified. Any alternative means of protection shall be detailed and documented by the applicant to the satisfaction of the Board of Health.
- b) Strict enforcement of a provision would cause undue hardship and manifest injustice.
- c) Such a variance is in the public interest and not inconsistent with the intent or purpose of Chapter II of the State Sanitary Code or this regulation.

9. SEVERABILITY

If any provisions of this regulation or the application thereof are held to be invalid by a court of competent jurisdiction, the invalidity shall be limited to said provision and the remainder of the regulation shall remain valid and effective. Any part of this regulation subsequently invalidated by state law shall automatically be brought into conformity with the new or amended law and shall be deemed effective immediately, without recourse to a public hearing.

10. EFFECTIVENESS

This regulation shall become effective upon publication in a newspaper of general circulation.

Per Order Of,
Mashpee Board of Health

Brian Baumgaertel, Chair
Veronica A. Warden, Clerk

Approved: March 19, 2020 (Adv 4/3/20)