

## **Top Short-term Rental Concerns Identified at March 11 Forum/Email Comments and Possible Ordinance Measures to Address Them**

- 1. Concerns related to non-owner-occupied rentals/investment properties (owned by out of staters, no supervision/accountability)**
  - Requiring owner to be present on property during short-term rental stays (partial home rental or owner occupies another unit on property)
  - Primary residence requirements
  - Capping the number of non-owner-occupied rentals allowed to be issued permits
  - Not allowing non-owner-occupied rentals in certain zones (ex. South Portland doesn't allow in residential zones)
  - Requiring local contact person
  - Fines for operators who fail to respond to complaints within a certain time period
  - Capping the number of permits that may be issued to a single operator
- 2. Concerns related to transient guests (high turnover, visitors not neighbors)**
  - Minimum length of stay requirements
- 3. Parking/traffic concerns**
  - Parking limits/requirements (ex. must provide 2 off-street parking spaces)
- 4. Land use/zoning concerns (commercial activity in residential area)**
  - Only allow in certain zones
- 5. Too many STRs in neighborhood (too dense)**
  - only allow in certain zones
  - capping number of permits issued
- 6. Safety (occupancy/fire hazards)**
  - Occupancy limits (ex. no more than 2 people per bedroom, 6 maximum)
  - Inspection as a condition of registration and then after a certain number of years
  - Require as a component of application that owner submits evidence or certificate of current insurance providing coverage for the use of the premises as a short-term rental
  - Portland offers registration fee discounts for having fully sprinkled buildings, centrally monitored fire alarm systems, passing HUD inspections, and prohibiting smoking
- 7. Noise**
  - Make noise ordinance more specific or be specific in STR ordinance about what qualifies as disruptive behavior
  - Owners must provide good neighbor guidelines/rental agreement addendum
  - Local contact person
  - Fines for operators who fail to respond to complaints within a certain time period
  - Prohibit large gatherings
- 8. Neighborhood Character**
  - Owners must provide good neighbor guidelines/rental agreement addendum
- 9. Pets (unattended, not familiar)**
  - Owners must provide good neighbor guidelines/rental agreement addendum
- 10. Inconsiderate guests/lack of ability to screen renters**
  - Owners must provide good neighbor guidelines/rental agreement addendum

- Require owners to leave instructions for solid waste disposal and recycling
- Prohibit large gatherings

#### Definition Examples

- Owner-Occupied
  - Cape Elizabeth (amendment still under review)-short term rental hosted: a short term rental of a private room or room but not the entire dwelling where the owner of the property is in residence, including overnight, during the tenancy of the short-term rental tenant(s) vs. Short term rental unhosted: a short term rental of a dwelling where the owner of the property is not in residence during the tenancy of the short term rental tenant(s)
  - Portland-a rental unit owned and occupied by the registrant as his or her primary residence. Accessory dwelling units are not considered owner-occupied units for purposes of short-term rental registration and regulation
  - Rockland-a dwelling unit that is such owner's primary residence and is occupied, including over-night by such owner when any part of the structure is rented as a short-term rental
  - South Portland-Hosted Homestay: a dwelling unit that is the owner's primary residence; is occupied, including overnight, by such owner during the short-term rental period; and is used or occupied as a hosted home stay as set forth in table 14-805 (part of ordinance). In the case of a property comprised of a one-family dwelling unit and an authorized accessory dwelling unit, the unit is considered a hosted home stay if the owner is present in either unit on such property during the short-term rental period. In the case of a property comprised of a two-, three- or four family dwelling unit in single ownership, the unit is considered a hosted home stay if the owner is present in one of the dwelling units on such property during the short-term rental period vs. Non-hosted home stay: a dwelling unit that may or may not be the owner's primary residence and is used or occupied as a non-hosted home stay as set forth in Table 14-805.
- Primary Residence
  - Bar Harbor-a primary residence is the primary location that a person inhabits and is where the owner resides most of the year. The property owner uses this address as their legal address listed for tax returns or on their driver's license, or on their voter registration card.
  - Boston-the residential unit in which the operator resides for at least nine months out of a twelve month period. Primary resident is demonstrated by showing that as of the date of registration of the rental unit on the short-term rental registry, the operator has resided in the residential unit for nine of the past twelve months or that the operator intends to reside in the residential unit for nine of the next twelve months, as demonstrated by at least two of the following: utility bill, voter registration, motor vehicle registration, deed, lease, driver's license or state-issued identification, or proof of residential exemption
  - Cape Elizabeth (Amendment still under review)-an owner's primary residence, which shall be documents by demonstration that the owner qualifies for a homestead exemption under Maine Homestead Property Tax Exemption statute, as may be

amended from time to time, for the property. Owner shall be the person who owns the real property, or who is the beneficiary of a revocable living trust that owns the property.

- Portland-the dwelling in which a person resides as his or her legal residence for more than one half of a year and registered as his or her address for tax and government identification purposes. Applicants must complete primary residence affidavit and must produce valid driver's license, motor vehicle registration, proof of homestead exemption or other documentation providing primary residence as a component of application.
- South Portland-an owner's primary place of residence, as defined by whether the owner carries on basic living activities at the dwelling unit and whether such dwelling unit is the owner's usual place of return. Reasonable documentation such as Maine Homestead exemption qualification, voter registration, motor vehicle excise tax payment receipt, or other documents approved by the City demonstrating that the property is the Owner's legal residence and that it is such for 183 or more days of the calendar year, shall be indicia of primary residence.