

# **Town of Winthrop Short Term Rental Ordinance**

## **Adopted by the Town Council July 1, 2025**

### **§17-49.052**

#### **I. PURPOSE**

The purpose of this chapter is to protect the health, safety, and welfare of both the occupants of short-term rental units and the general public and to maintain the quality of life in residential neighborhoods and the availability of the Town's housing stock. It will assist the Town in enforcement of state and local health and safety regulations and provide a method of correcting violations when requiring immediate attention. As used in this chapter, the following terms shall have the meanings indicated:

#### **II. DEFINITIONS**

##### **BUILDING COMMISSIONER**

The Building Commissioner of the Town of Winthrop or his designee.

##### **DWELLING**

Any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, guesthouses, one-two- or multiple-unit residential buildings/dwellings provided that such building or dwelling is the primary residence of the Operator or the Operator is the owner of record on the deed and has a primary residence also in the Town of Winthrop as defined below, excepting however those licensed under any state or local laws or regulations other than those licensed under this chapter.

##### **INSPECTIONAL SERVICES DEPARTMENT**

Consisting of Town of Winthrop Building and Health Departments.

##### **OCCUPANCY**

The use or possession of or the right to use or possess a short-term rental.

##### **OCCUPANT (GUEST)**

Any individual residing overnight in a short-term rental.

##### **OPERATOR (HOST)**

Any Person operating a short-term rental in his/her/their primary residence.

##### **OPERATOR'S AGENT**

A Person or entity who, on behalf of an operator of a short-term rental: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent.

##### **OWNER**

Any Person whom alone or severally with others has legal or equitable title or a beneficial interest in the real property where the dwelling unit is contained.

##### **SHORT TERM RENTAL**

A residential dwelling or any bedroom within a dwelling of an owner-occupied home rented through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: hotels licensed under M.G.L. Chapter, 140, § 6; motels licensed under M.G.L. Chapter 140, § 32B.

### **III. SHORT TERM RENTAL REGISTRATION**

#### **A. Registration Required:**

No Owner shall rent, or offer to rent, any Short-Term Rental prior to registering with the Inspectional Services Department. No tenant or lessee of an Owner shall let or sublet a Short-Term Rental under any circumstances.

All holders of short-term rental licenses granted by the Zoning Board of License per the original ordinance as of the date that this ordinance comes into effect will need to reapply for their license at the time of expiration and will be subject to all requirements and restrictions herein.

Limited Liability Corporations or other corporate entities will not be allowed to hold permits.

#### **B. Limits on Number of Registrations per Owner**

A maximum of one Short Term Rental registration shall be issued per owner, per dwelling.

For multiunit dwellings, no greater than 2/3rds of the dwelling units may be licensed as short-term rentals at a given time, regardless of ownership.

#### **C. Compliance**

A dwelling used as a Short-Term Rental shall be in compliance with the provisions of all state and local health and safety laws, ordinances, and regulations. Demonstration of compliance shall be in the form of a sworn affidavit submitted as part of the registration application described in Section D below to the Inspectional Services Department prior to occupancy. Operators shall comply with all applicable federal, state, and local laws, ordinances, and regulations, including, but not limited to, Chapter 133 Noise, Chapter 353, Art. 1, Storage of Garbage and Refuse, the Fair Housing Act, G.L. c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, except as specifically set forth otherwise herein.

#### **D. Issuance of Short-Term Dwelling License Required**

The Owner of the dwelling shall be required to complete a short-term rental registration application, the form and content of which shall be developed and provided by the Winthrop Board of Licensing. The Board of Licensing shall, upon receipt of such application, request an inspection be performed by the Health, Inspectional Services, and Fire Department for purposes of determining suitability and habitability of the proposed Short Term Dwelling Unit. Upon receipt of the report the Board of License shall convene a public hearing upon the application for Short Term Dwelling Unit.

For the avoidance of doubt, the inspection referenced herein shall include inspection of the entire building premises and the confirmation that all zoning, fire, safety, and building codes for the property are in full compliance with current ordinances. Any finding of lack of compliance shall disqualify the application until the shortfalls are remedied and certified by the Town.

#### **E. Registration Renewal**

All short-term rental licenses issued pursuant to this ordinance shall expire annually on June 30 and shall be eligible for renewal on July 1 of each calendar year upon payment of the \$300 annual renewal fee. License renewals require a satisfactory inspection by Inspectional Services, Health, and Fire Departments.

#### ***Transition Provision for Existing Licenses:***

Any short-term rental license that was issued prior to the adoption of this ordinance and is set to expire on a rolling basis shall automatically be extended. License holders will be responsible for renewing their licenses on July 1<sup>st</sup> of the current year, and every July 1 thereafter.

#### ***Prorated Fees During Transition:***

In cases where a license would otherwise expire before the next July 1 renewal date, the renewal fee shall be pro-rated to reflect the shortened or extended term. The fee schedule for pro-rated renewals shall be established by the Town Manager.

#### ***Notice to Licensees:***

The Town Clerk shall notify all current license holders of this change no fewer than 60 days prior to the effective transition date.

## **F. Fees and Taxes**

The fee for a short-term rental registration or a renewal of a registration shall be initially set at \$300.00 and shall increase 2.5% annually thereafter on July 1. In addition, each Short-Term Rental shall be subject to applicable state tax and Winthrop local tax upon each rental period.

## **G. Non-Transferability**

Short term rental registrations shall be granted solely to an Owner and shall not be transferable or assigned to any other person, legal entity, or address. The registration does not run with the property; it shall be terminated upon sale or transfer of the property for which the registration has been issued.

## **H. Limits on Number of Town-wide Registrations**

The number of short-term rental registrations issued by the Town in a calendar year shall not exceed 1.5% of the total number of properties in Winthrop as determined by the Assessor's office on June 30th. The maximum number of short-term rental registrations may be adjusted by the Town Council. Short term rental applications will be evaluated on a first come/first serve basis as submitted to the Town Clerk's Office.

A waitlist will be managed by the Town Clerk.

## **I. Publication of Registration Number**

The Town-issued registration number shall be included on any listing offering the Short-Term Rental for rent.

## **J. Maximum Occupants**

No more than two (2) renters per bedroom are to be permitted in any Short-Term Rental. No more than a maximum of six (6) renters are to be permitted in any Short-Term Rental, exclusive of individuals under the age of 12.

## **IV. CONTACT INFORMATION OF OWNER, OPERATOR AND/OR OPERATOR'S AGENT**

A. An Owner of a Short Term Rental shall provide the Board of Licensing and the Inspectional Services Department with his/her current residential address and telephone number upon application for a Registration as well as a full and complete list of persons (as defined above) or who have a direct or indirect interest in any property for which a Short Term Rental Registration has been issued or for which a Short Term Rental Registration application is pending.

B. The name and contact information of the Operator must be provided, along with the name and contact information of an Operator's Agent, if different from the Operator, who is able to respond in person to any issues or emergencies that arise during occupancy within one (1) hour of contact by Inspectional Services Department, Police Department, or Fire Department to complaints regarding the condition or operation of the Short Term Rental. Contact information must include a telephone number that is available 24 hours per day, 7 days a week to Short Term Rental Occupants and the above-stated public safety agencies. This contact information shall be included in the application for Short-Term Rental Registration and shall be posted conspicuously within the rental unit.

## **C. Keeping of Register**

The Operator or Operator's Agent shall be responsible for keeping a register containing the name of the Occupant who is the leaseholder, total number of occupants, the names of each occupant, and dates of occupancy. The register shall be retained for a period of two (2) years and shall be made available upon request to Inspectional Services Department staff, police, or other duly appointed or authorized code compliance staff of the Town of Winthrop.

## **V. INELIGIBLE UNITS**

**The following are not eligible to be rented or offered to rent as Short Term Rentals:**

1. Dwellings designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state, or federal law.
2. Family Apartments, Accessory Affordable Apartments, Accessory Dwelling Units.
3. Dwellings are subject to any requirement of local, state, or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a Short-Term Rental.
4. Dwellings that are the subject of any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders.
5. Properties designated as Problem Properties under Chapter 160.
6. Properties owned by corporations or other commercial entities.
7. Any units on a parcel that are not owner-occupied.

**VI. FAILURE TO PAY OR TO MAKE SUITABLE ARRANGEMENTS FOR THE PAYMENT OF MUNICIPAL TAXES, FEES, ASSESSMENTS, AND CHARGES**

The privilege of receiving or holding a Short-Term Rental Registration is contingent upon the timely payment of municipal and district taxes, fees, assessments, and charges. Failure of a Person to comply with this requirement shall be cause, after notice and hearing pursuant to the requirements of G.L. c. 40, § 57, for denial, suspension, amendment, or revocation of a Short Term Rental Registration for any and all property in which the person holds a direct or indirect ownership interest, as above defined.

**VII. INSPECTIONS**

Short term Rentals shall be subject to reasonable inspections by Town inspectional staff (“Inspectors”).

**VIII. COMPLAINT PROCESS. VIOLATIONS**

**A. Complaint.** A complaint alleging that a Short-Term Rental is in violation of this Chapter or any applicable law, code or regulation may be filed with Commissioner of Inspectional Services. The complaint must contain the Short-Term Rental address, unit number, date,

and nature of alleged violation(s), and name and contact information of complainant.

**B. Written notice** of any violations of this chapter shall be treated as a complaint and may also be given by Inspectors. The notice shall specify the nature of the violation to the Occupant and Owner and the time within which compliance must be achieved. The requirements of this subsection shall be satisfied by mailing such notice, through the United States Postal Service by certified mail, or by delivering in hand such notice as memorialized by an affidavit of any Town employee or officer authorized to serve any form of process notice to the Owner or legal representative named on the registration application.

**C. Any notice** required or contemplated by this chapter shall be deemed sufficient if delivered to or mailed to the mailing address listed by the owner on the Short-Term Rental Registration application then on file with the Winthrop Board of Licensing. A written change-of-address notice signed by the Owner/s and delivered to the Winthrop Board of Licensing may be filed at any time.

**D. Review of Complaint.** The Commissioner or his designee to investigate complaints within a reasonable time frame and shall determine whether there may be a violation. If the alleged violation is under the jurisdiction of another city or state or federal agency, the Commissioner

shall refer the complaint to such agency for further action. Upon finding a potential violation, the Commissioner or designee shall serve notice of the violation upon the Owner of the Short-Term Rental. The Commissioner shall keep records of all complaints received and determinations made and shall provide a copy of same to the Winthrop Board of Licensing.

**E. Offering an Ineligible Unit as a Short-Term Rental.** Any person who offers a unit as a Short-Term Rental, where such unit is not an eligible Dwelling Unit or is not registered, may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation. The Commissioner or a designee may also seek an injunction from a court of competent jurisdiction prohibiting the offering of the unit as a Short-Term Rental.

**F. Failure to Obtain Registration.** Any person who offers an eligible Dwelling Unit as a Short Term Rental without a valid Short Term Rental Registration, or any person who offers an eligible Dwelling Unit as a Short Term Rental while the unit's registration is suspended, may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

**G. Failure to Comply with Notice of Violation.** Any person who fails to comply with any notice of violation or other order issued pursuant to this section by the Commissioner or a designee for a violation of any provision of this section may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

**H. Right to Hearing.** A person upon whom a notice of violation has been served may request a hearing by filing a written petition requesting a hearing on the matter with the Inspectional Services Department within fourteen days after the day the notice of violation was served. Upon receipt of a petition for hearing, the Inspectional Services Department shall notify the complainant of the place, date and time of the hearing. The hearing shall be conducted by a Hearing Officer designated as such by the Town Manager and shall occur no later than three (3) weeks after the date the Inspectional Services Department receives the petition for hearing. The time period in which violations must be remedied shall be stayed upon receipt of the petition for a hearing until such time as the hearing is held and the Hearing Officer has issued a decision.

**I. Decision.** Within seven days after the conclusion of the hearing, the Commissioner or designee shall sustain, modify, or withdraw the notice of violation and shall inform the person upon whom a notice of violation has been served, in writing, of its decision and the reasons, therefore. If the Inspectional Services Department sustains or modifies the notice of violation, said violation shall be remedied within the time allotted as issued or in the modification.

**J. Violations of an unoccupied dwelling** shall be corrected prior to occupancy. Violations found in an occupied dwelling shall be corrected within the time specified as determined by the Inspectors.

**K. If a written petition for a hearing** is not filed within fourteen (14) days after the notice of violation has been served, or if, after a hearing, the notice of violation has been sustained in any part, each day's failure to comply with the notice of violation within the time allotted as issued or modified shall constitute a separate violation.

**L. Registration Suspension, Modification and Revocation**

In addition to, and not in lieu of, the penalties that may be assessed pursuant to this chapter, the Winthrop Board of Licensing, after notice and public hearing, may suspend, revoke or modify any or all registration approvals issued hereunder to an Owner for violation of these regulations or of any conditions imposed by the Inspectional Services Department, notwithstanding that a violation may have been found with respect to one or more, but not all of the registered properties held by an owner. These remedies shall be non-exclusive.

**M. Judicial Appeals**

Any person aggrieved by a final decision of the Hearing Officer and Inspectional Services Department with respect to a notice of violation or any other order issued under this section may seek relief therefrom in any court of competent jurisdiction.

**N. Penalties**

If any Occupant, Operator or Owner violates any provision of this chapter, the Owner may be subject to a fine in accordance with the following: \$150 1<sup>st</sup> Offense; \$300 2<sup>nd</sup> Offense and each subsequent offense. Each day that a violation exists constitutes a separate offense.

**O. Enforcement**

The Town may enforce the provisions of this chapter by any or all of the following: the non-criminal disposition process of M.G.L. c. 40, s. 21D; by seeking to restrain a violation by injunction; and by filing a complaint in any court of competent jurisdiction.

**P. Regulations**

The Inspectional Services Department shall adopt regulations, policies and procedures for the implementation of this chapter. The Town manager shall employ a private 3<sup>rd</sup> party vendor to track compliance of all short- term rentals. Compliance shall include identification of unlicensed operations and licensed operators offering conditions differing from licensing requirements and limitations.

**Q. Severability**

Each provision of this Chapter shall be construed as separate. If any part of this Chapter shall be held invalid for any reason, the remainder shall continue in full force and effect. In the event of a conflict between this chapter and any other chapter of the General Ordinances, this chapter shall control.

**R. Annual Reporting by the Town Manager**

The Town Manager shall annually report to the Council on the statistical data relating to Short Term Rentals, their success stories, problems, suggested regulatory and zoning changes, if any, for Council and/or Planning Board consideration, and any other information deemed helpful to the Council's assessment of community impact.

