SHORT-TERM RENTAL RULES AND REGULATIONS

1. PURPOSE

The purpose of these Rules and Regulations is to protect the health, safety and welfare of not only the renters and residents of short-term rental housing units, but also the first responders and the general public. These Rules and Regulations are also aimed at ensuring that the primary use of the property remains residential, and that short-term rentals will not be a detriment to the character and livability of the surrounding residential neighborhood.

2. AUTHORITY

These Rules and Regulations are adopted under the authority of Massachusetts General Laws Chapter, Chapter 64G, Section 14; and Nahant General By-Laws, Article XIX (Short-Term Rentals), Section 5.

3. DEFINITIONS

Applicant – any owner(s) who makes a formal application/registration with the Board of Selectmen for a Rental Certificate.

Dwelling – A privately owned permanent structure, whether owned by one or more persons in any legal form, which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms "one-family" or "two-family" dwelling shall not include hotel, lodging house, hospital, membership club, mobile home or dormitory.

Non-Owner Occupied Short-Term Rental - A dwelling unit made available for short-term rental that is neither the Principal Residence of the owner nor is located within the same residential building as the owner's Principal Residence.

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 Short-Term 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 Short-Term Rental property, regardless of whether such use and possession is as a lessee, tenant, or licensee.

Owner(s) – The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the dwelling in question.

Owner Occupied Short-Term Rental - The Short-Term Rental of a dwelling unit, of no more than the number of lawful bedrooms within such dwelling unit that is the principal residence of its operator.

Owner Adjacent Unit — A residential unit offered as a Short-Term Rental which is not the owner's Principal Residence but which is located within the same dwelling and/or parcel as the Principal Residence.

Person – any individual, partnership, corporation, limited liability company, firm, association or group, including a governmental unit, other than the Town of Nahant or any of its agencies.

4. SHORT-TERM RENTAL PROPERTY REQUIREMENTS

a) It shall be the responsibility of the Owner(s) to ensure full compliance with the Town of Nahant's Bylaws, these Rules and Regulations and any other applicable state and local health and safety laws or regulations. Failed compliance may result in immediate revocation of any certification, non-renewal of a certification or both. In the event of a revocation, the Owner will be afforded a hearing before the Board of Selectmen within fourteen (14) days of the date of revocation.

b) In accordance with Section 3 of Nahant's Short-Term Rental By-Laws (Article XIX), the Board of Selectmen shall determine the number of bedrooms and occupancy of the Short-Term 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

All short-term rentals shall obtain a Rental Certificate on or before January 1, 2025. 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 legal bedrooms in each dwelling unit.
c) The maximum number of occupants, as defined in Section 3 of Nahant's Short-Term Rental By-Laws (Article XIX), 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 Nahant within one (1) hour 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 a Short-Term Rental shall provide the Board of Selectmen 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 operator is not the Owner of the property, then the operator shall provide written evidence that the Owner and the condominium association, if applicable, has consented to the Short-Term Rental use of the property.

The rental application and its annual renewals shall include:

1) Proof or Registration with the Commonwealth of Massachusetts;
2) Certificate of Good Standing from Nahant’s Office of Inspectional Services;
3) Municipal Lien Certificate from Nahant’s Office of Treasurer-Collector;

4) Certificate of Compliance from Nahant's Fire Department (every other year);
5) Certificate of Fitness from Nahant's Board of Health (every other year);
6) Certificate of Code Compliance from Nahant's Office of Inspectional Services (every other year);
7) Attestation of Compliance with Nahant by-laws and regulations;
8) Guest Information Packet (see General By-Laws, Article XXIII, Section 4);
9) Parking Plan (see Section 8, below);
10) Certificate of Liability Insurance (no less than $1,000,000 of coverage); and
11) Operator affidavit for owner occupied/adjacent rentals or a special permit for non-owner occupied rentals.
12) To the extent required by Massachusetts Law, a non-owner occupied, owner adjacent, owner occupied without owner present, and
an owner-occupied Short-Term Rental unit with six (6) or more bedrooms shall document state safety law compliance by providing a Massachusetts Chapter 34 review (780 CMR 34.00) of the dwelling unit prepared by a licensed architect or design professional along with documentation that demonstrates full compliance with all recommendations described in that Chapter 34 review.
13) A D/B/A Certificate from the town clerk's office, if necessary

If the Owner is unavailable to provide access or to service the occupant(s) or the Town of Nahant 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 the Town of Nahant. Said designated individual shall respond to a notification of emergency within one (1) hour of being contacted by owner(s), occupant(s), or Town of Nahant. The name, address and telephone number of the responsible individual(s) so designated shall be provided on the application.

If a certificate is not renewed every year, the submission of a new application will be considered an original application.

7. INSPECTIONS

Dwelling units covered by these Rules and Regulations shall be subject to inspection at reasonable times by the Board of Selectmen or its agents or designees. The Board, at its discretion, may request other inspectional service personnel (e.g., Health, Building, Electrical, Plumbing and Fire) to accompany them or its agents or designees 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.

Required inspections by inspectional services personnel shall occur prior to issuance of an original Rental Certificate, with routine inspections to be conducted thereafter as outlined in Section 6.
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, a re-inspection will required.

Health inspections shall be performed in accordance with Chapter II of the State Sanitary Code 105 CMR 410.000.

8. PARKING PLAN

There must be adequate off-street parking for all persons (owners, guests, etc.) within a Short-Term Rental. Short-Term Rental operators must submit an off-street parking plan in accordance with the Nahant Zoning By-Laws: i) Section 4.08.B; and ii) Table 6-1 (Required Off-Street Parking).

9. GUEST INFORMATION PACKET

In addition to the information outlined in Article XXIII, Section 4 of the General By-Laws, the following information shall be incorporated into a guest packet provided by the operator:

Good Neighbor Guidelines

Tenant/Guest Responsibility - Approved guests and visitors are expected to follow these Good Neighbor Guidelines. Be sure to read your rental agreement for additional terms and restrictions which may include consequences for violating the Good Neighbor Guidelines.

24-Hour Local Agent Contact Information - If at any time you have concerns about your stay or in regard to your neighbors, please contact the operator or the person identified by the operator as the local contact. In the event of an emergency, please call 911.

General Respect for Neighbors - Be friendly, courteous, and treat your neighbors like you want to be treated. Respect your neighbors and their property,

Noise and Outdoor Lighting - Be considerate of the neighborhood and your neighbor's right to the quiet and peaceful enjoyment of their home and property, especially after 10 p.m.

Maintenance of Property - Be sure to pick up after yourself and keep the property clean, presentable, and free of trash.

Garbage - Place trash and recycling containers at the appropriate place no earlier than 6:00 am for pickup. Return trash and recycling containers to the designated location by 7:00 pm on the day of pickup. Cigarette butts should be properly extinguished and disposed of.

Parking Plan - Do not park on roadways, lawns, or in a manner which blocks driveways, sidewalks, alleys, or mailboxes. Drive slowly through neighborhoods and watch for pedestrians and children playing. SPECIAL NOTE: Town-issued guest parking passes (available from property owners) must be displayed on all vehicles. Violators will be ticketed, towed or both.

Pets - Promptly clean-up after your pets. Prevent excessive and prolonged barking and know that Nahant has a leash law in effect 24/7 (except for Doggie Beach). Store pet food indoors and in a secure container to reduce the likelihood of unwanted pest problems.

Fire Pit - There shall always be a responsible adult tending to the fire until it has been extinguished completely. You must keep fire suppression equipment close enough that it can be used immediately if the fire should start to become a problem. Acceptable items would be a fire

extinguisher, garden hose, water buckets, and sand. You must keep the fire in outdoor fire pits to a reasonable and controllable size. The only firewood allowed is dry, clean, and seasoned firewood; no lighter fluid or other flammable materials may be used. Do Not Burn: Wood products that contain glue or resin, garbage, including food waste, treated or unpainted wood, like materials from wood decks, unseasoned or wet wood, animal carcasses, yard waste, construction material, anything that will release toxic emissions, strong odors, or dense smoke when burned, materials that contain grease, plastic, asphalt, paint, rubber.

10. VARIANCE

The Board of Selectmen, in any particular case and following a public hearing, may vary any provision of these Rules and Regulations 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 Selectmen;
b) Strict enforcement of a provision would cause undue hardship and manifest injustice; or
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 these Rules and Regulations.

11. FEE SCHEDULE

Application Fee (to roll into the Registration Fee if approved) - See Town Fee Schedule*
Registration Fee - See Town Fee Schedule*
Certificate of Good Standing – See Town Fee Schedule*
Municipal Lien Certificate - See Town Fee Schedule*
Certificate of Compliance from Nahant's Fire Department - See Town Fee Schedule*
Certificate of Fitness from Nahant's Board of Health - See Town Fee Schedule*
Re-inspection fee - See Town Fee Schedule*
Certificate of Code Compliance from Nahant's Office of Inspectional Services - See Town Fee Schedule*

*Available in the town clerk's office.

Per Order Of,
Nahant Board of Selectmen
Approved: October 2, 2024