ARTICLE XXIII

SHORT-TERM RENTALS

Approved ATM May 2023

Section 1. Purpose

"Short-Term Rentals" is intended to make the operation of short-term rentals legal for Nahant residents, protect the safety of renters, residents, and first responders, ensure that the primary use of the property remains residential, and ensure that short-term rentals will not be a detriment to the character and livability of the surrounding residential neighborhood.

Section 2. Definitions

Short-term rental - an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house, or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant for a duration of less than twenty-eight (28) consecutive days; and (ii) all accommodations are reserved in advance; provided however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

Short-Term Renter - Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, as a short-term rental for a duration of less than twenty-eight (28) consecutive days.

Short-Term Rental Operator - The person or persons offering a dwelling unit or bedroom for short-term rental, who may be either the owner or the primary leaseholder of the dwelling unit with the written permission of the property owner and the condominium association if applicable.

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.

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.

Section 3. Requirements

1. The total number of annual Short-Term Rental licenses in the Town of Nahant is limited to four percent (4%) of the total number of legal dwelling units in the Town of Nahant as determined by the Assessors' Office.

2. All Short-Term Rental Operators shall submit a copy of its local registration with the Board of Selectmen prior to Short-Term Rental use and occupancy in conformance with this by-law.

3. A dwelling unit or bedroom offered for Short-Term Rentals shall comply with: i) 105 CMR 410.000 (Minimum Standards of Fitness for Human Habitation); and ii) 780 CMR Massachusetts State Building Code).

4. Short-Term Rental operators shall maintain state mandated liability insurance to cover the short-term rental use.

5. An Owner Adjacent or Non-Owner Occupied Short-Term Rental may be rented only as a whole unit to one party of short-term renters at any one time and not rented as separate bedrooms to separate parties.

6. The number of individual bedrooms made available for Short-Term Rentals within a dwelling unit shall not be greater than the number of lawful bedrooms in the dwelling unit.

7. Renting for an hourly rate, or for rental durations of less than twenty-four (24) consecutive hours shall not be permitted.

8. A Short-Term Rental property shall not be used for a commercial event during its occupancy as a Short-Term Rental. Commercial events include but are not limited to luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings.

9. Short-Term Rental Operator must submit off-street parking plan for guests in accordance with these Nahant Zoning By-Laws: i) Section 4.08.B; and ii) Table 6-1 (Required Off-Street Parking).

10. When a swimming pool or hot-tub or special purpose pool is included in the short-term rental determination of compliance with 105 CMR 435 Sanitary Standards for Swimming Pools must be documented by the Board of Health or its designee.

Section 4. Information to be Shared with Short-Term Renters.

The Short-Term Rental Operators shall provide all Short-Term Renters and post in all Short-Term Rentals in a manner to be determined by the Board of Selectmen:

a. Instructions for disposal of waste per the Town's recycling and composting programs.

b. An emergency-exit diagram in all bedrooms used for Short-Term Rentals and on all egresses from the dwelling unit.

c. Contact information for the Short-Term Rental Operator, or when the Operator is not present, the contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period, whether from renters, neighbors or municipal authorities.

Section 5. Registration - Rules and Regulations.

1. The Nahant Board of Selectmen shall have the authority to promulgate rules and regulations with regard to the Short-Term Rental Registration process that shall include, but not be limited to, the requirements of this Article XXIII.

2. The Operator must, within thirty (30) days after its initial Short-Term Rental local registration (or its renewal), provide a copy of such registration to all abutters, owners of land directly opposite any public or private street or way, and abutters to the abutters. Such notification shall include the contact information of the Operator and the local contact, the Operator's state registration number, and a reference to this Article XXIII.

Section 6. No Nuisance.

Short Terms Rentals shall not result in the disruption of the peace, tranquility, or safety of the immediate residential neighborhood through the production of noise, vibration, light, glare, trash, fumes, odors, traffic, parking congestion, or any other nuisance beyond that which normally occurs in the immediate residential area

Section 7. Cooperation.

Operators must cooperate with any enforcement or investigation proceedings under this Article XXIII.

Section 8. Enforcement.

The Board of Selectmen or their designee(s) shall be responsible for enforcement of this Article XXIII including any rule or regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance, inclusive of any initial qualifying inspection. Any enforcement action taken shall follow the procedures outlined in Article XIII of Nahant Police By-Laws (Non-Criminal Disposition of Violations).

Section 9. Effective Date.

This Article XXIII will become effective one-hundred and twenty (120) days after the Town of Nahant has satisfied its duty to publish and post these by-laws after they have been approved by the Office of the Massachusetts Attorney General.

Voted on at May 2023 ATM. AG approved 11/27/2023