

Sample Short-Term Rental Ordinances

Laconia

Short-Term Lodging

Adopted December 10, 2019

Amended February 10, 2020

Definition: 235-13

Lodging, Short-term: A dwelling unit where transient lodging is provided for compensation for stays of between one and 14 consecutive nights, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel, rooming/boarding/lodging house, or bed-and-breakfast.

235-41:M Residential Accessory Uses

M. Short-Term Lodging. The use is regulated to preserve the traditional character of residential neighborhoods that can be negatively impacted by this type of use and to help preserve the quality and quantity of the housing stock for year-round residential use. A permit to use a unit of housing for Short-Term Lodging must be obtained from the Planning Department using the criteria prescribed below and the following restrictions and/or conditions apply:

1. Permitted or prohibited in the following zones:

- a. Permitted in the Commercial Resort (CR) and Shorefront Residential (SFR) zones with no limitations on the number of separate rental periods.
- b. Prohibited in Industrial (I), Industrial Park (IP) and Airport Industrial (AI) zones.
- c. Prohibited in all other zones except when the property is owner-occupied.
 - i. Short-Term Lodging in an owner-occupied property is considered an allowed accessory use only if the owner of the property resides on the property for not less than 150 days a year. (*Editor's note: Reside is defined as to dwell permanently or continuously or occupy a place as one's legal domicile.*)
 - ii. In all zones, both an Accessory Dwelling Unit (ADU) allowed by a Special Exception granted by vote of the Zoning Board of Adjustment, and the associated primary housing unit are prohibited from being used for Short-Term Lodging.
- d. Permitted in the Residential Single-Family (RS), Residential General (RG), and Residential Rural (RR1) zones in a seasonal dwelling unit for a maximum of 15 separate rentals or a maximum of 120 nights, whichever occurs first. In a seasonal dwelling unit, Short-Term rentals are allowed in the above mentioned districts only from May 1st to October 31st of each year; short term rentals are prohibited at any other time. A seasonal dwelling unit for this purpose is defined as:
 - i. A dwelling unit that is occupied only between May 1 and October 31 of each year.
 - ii. The dwelling unit has less than 1400 square feet of living space.

- iii. There is only one dwelling unit on the associated lot.
- e. Permitted in the Residential Single-Family (RS), Residential General (RG), Residential Rural (RR1), Residential Rural Corridor (RR2), and Urban Commercial (UC) zones by Special Exception granted by the Zoning Board of Adjustment using the criteria specified in 235-70:C-2. Properties granted a Special Exception are also subject to all other provisions regulating Short Term Lodging specified below or elsewhere in the Zoning Ordinance.

2. A Short-Term Lodging application will be reviewed and approved or denied by the Planning Department as an Administrative Decision to determine suitability for this use in a particular dwelling unit, using the following criteria:

- a. The owner of a proposed Short-Term Lodging unit shall apply for the Administrative Decision and pay the review and abutter notification fees.
- b. The owner of a proposed Short-Term Lodging unit shall provide the same agent information as required by RSA 540:1-b.
- c. As part of the application approval process the dwelling unit must pass a joint inspection by the Fire Department and the Building Code Enforcement Department which shall be limited to the following:
 - i. Smoke/CO detectors must be installed in areas defined by the City's adopted codes and must be functioning.
 - ii. All windows or doors designed to open must be able to be opened to provide emergency egress.
 - iii. No basement space shall be used as sleeping areas unless there is properly sized egress windows and/or doors conforming to the City's adopted codes.
 - iv. A functional fire extinguisher shall be visibly installed in any kitchen area.
 - v. To determine maximum occupancy of the dwelling unit, floor space square footage shall be confirmed to conform to the City's adopted codes.
 - vi. To determine maximum number of vehicles allowed per rental, driveway capacity shall be confirmed. On-street parking shall not be allowed.
 - vii. Safety concerns reported by lodgers or abutters may require another inspection.
 - viii. If applicable, seasonal qualification of the unit will be confirmed.

3. The owner of a Short-Term Lodging unit will be responsible for:

- a. Removal of trash in accordance with the City's ordinance;
- b. Ensuring that all parking of vehicles is on site;
- c. Ensuring that occupancy limits are not exceeded;
- d. Ensuring adherence to the noise ordinance (Chapter 167);
- e. Any other site specific conditions imposed as part of the approval.

4. Short-Term Lodging applications shall be reviewed and approved or denied within 30 days of receipt of a complete application. Notice of the approval or denial will be mailed to the applicant and abutters as defined in RSA 672:3. An aggrieved party may appeal a decision granting or denying an administrative permit to the Zoning Board of Adjustment within 30 days of the decision. The ZBA may affirm, reverse or modify the decision appealed.

5. Approval for Short-Term Lodging use will be in effect for two years from date of approval and must be renewed every two years from date of first approval according to fee schedule defined in section 235-92 of this chapter. Approval is owner specific; change of ownership shall require a new application.

6. Approvals may be revoked for failure to comply with this Ordinance or with any conditions of approval imposed as part of the approval. In general, the first violation of a requirement will result in a warning; the second in a civil penalty of \$275 for each day of violation; and the third in a revocation of the approval. If a revocation occurs, the owner may not apply for reinstatement for a period of one year.

7. Using a dwelling unit for Short-Term Lodging without an Administrative Approval, or after a previous approval has expired or was revoked, will subject the property owner to fines and penalties outlined in section 235-82 of this chapter.

235-70:C Granting of Special Exceptions

(2) The Zoning Board of Adjustment shall grant a request for a special exception only where it confirms in writing each of the following findings:

i i. For Short-Term Lodging, the following is to be used:

(a) The use is specifically authorized in the chapter.

(b) The requested use will not increase demand for municipal services.

(c) Any special provisions for the use as set forth in this chapter are fulfilled.

(d) The requested use will not create hazards to the health, safety, or general welfare of the public.

(e) The requested use meets ONE of the two following criteria:

(1) The applicant can demonstrate that the use in question has been common practice at this specific property and structure for a period of not less than 5 years prior to the enactment of the Short-Term Lodging Ordinance.

Or

(2) The applicant can offer convincing evidence that granting the Special Exception for this property includes a general community benefit that rises above the financial gains of the applicant.

Jackson

SECTION 4.4 SHORT TERM RENTALS

4.4.1. Definitions

4.4.1.1 “Short Term Rental” means a dwelling unit where transient lodging is provided for compensation for stays of between one and 30 consecutive nights, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel or bed-and-breakfast.

4.4.2 Purpose

4.4.2.1 To preserve the traditional character of residential neighborhoods that can be negatively impacted by this type of use.

4.4.2.2 To help preserve the quality and quantity of the housing stock for year-round residential use.

4.4.2.3 To ensure the safety of Short Term Rental occupants.

4.4.3 Application Procedure

4.4.3.1 Short Term Rentals are permitted in all zoning districts by a Conditional Use Permit (authorized by RSA 674:21, I(i)), pursuant to the following guidelines and requirements.

4.4.3.2 The owner of the Short Term Rental property shall file a Conditional Use Permit application to operate a Short Term Rental (with a \$50 application fee) with the Town’s Board of Selectmen prior to operating a Short Term Rental. Owners of Short Term Rental units at the time of adoption of this ordinance are also required to apply for a Conditional Use Permit.

4.4.3.3 Upon receipt of an application for a Short Term Rental Conditional Use Permit, the Board of Selectmen shall forward the application to the Jackson Planning Board, who shall place the application on the agenda for their next meeting. The Planning Board shall review the application and shall provide the Board of Selectmen with written comments on the application. The Planning Board is not required to hold a public hearing.

4.4.3.4 Upon receipt of the Planning Board’s written comments, the Board of Selectmen will place the application on the agenda for their next meeting and either approve or deny the application. The Selectmen are not required to hold a public hearing. If the Selectmen do not incorporate the Planning Board’s comments directly into their decision, then they shall set forth their findings and decisions on the Planning Board’s comments pursuant to RSA 674:21, II.

4.4.3.5 Within 30 days of the date of the Selectmen’s decision to approve or deny an application for a Short Term Rental Conditional Use Permit, an aggrieved party may file an appeal in writing with the Board of Selectmen, requesting that the Selectmen reconsider their decision and setting forth the reasons why reconsideration would be appropriate. If such an appeal is timely filed by an aggrieved party, the Selectmen shall schedule the appeal for a public hearing within 45 days upon receipt pursuant to RSA Chapter 43.

4.4.3.6 The application will be approved or denied by the Board of Selectmen using the following criteria:

- a. The owner of a proposed Short Term Rental unit shall provide the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner of the property.
- b. As part of the application process the owner of the Short Term Rental unit must sign an Affidavit which shall certify the following:
 - i. Smoke/CO detectors are installed in areas defined by the NH State Fire Code and NH State Building Code and are functioning.
 - ii. Windows and/or doors designated for emergency egress are maintained and in operational order.
 - iii. No basement space shall be used as a sleeping area unless there are properly sized egress windows and/or doors conforming to the NH State Fire Code and NH State Building Code.
 - iv. A functional fire extinguisher is visibly installed in any kitchen area.
 - v. The maximum number of people that the dwelling unit can be advertised for in any published listing or other form of marketing, shall be two (2) people for each bedroom listed on the town issued building permit plus two (2) additional people.
 - vi. All vehicles shall be parked on the property and in designated parking areas.
- c. The owner of a Short Term Rental unit shall provide proof of a current NH Rooms and Meals Tax license number.

4.4.4 Responsibilities of Short Term Rental Owner

- 4.4.4.1 Removal of trash.
- 4.4.4.2 Ensuring that all parking of vehicles is on site;
- 4.4.4.3 Ensuring that occupancy limits are not exceeded;
- 4.4.4.4 Any other site-specific conditions imposed as part of the approval.

4.4.5 Rural Residential District

4.4.5.1 In the Rural Residential District only, Short Term Rentals are limited to 30 rentals per dwelling unit annually unless the unit or another unit on the same property is occupied by at least one full time resident. Short Term Rentals in existence in the Rural Residential District at the time of adoption of this ordinance at the March 12, 2020, Annual Town Meeting shall be exempt from the restriction on the number of annual rentals.

4.4.6 Revocation of Conditional Use Permit; Fines and Penalties

- 4.4.6.1 Approvals may be revoked for failure to comply with this Ordinance or with any conditions of approval imposed as part of the Conditional Use Permit. The first violation of this Ordinance (or a Condition of Approval) may result in a warning; the second violation may result in a civil penalty of \$275; and the third violation will result in a revocation of the Conditional Use Permit. If a revocation occurs, the owner may not apply for reinstatement for a period of three months.
- 4.4.6.2 Using a dwelling unit for Short Term Rentals without a valid Conditional Use Permit will subject the property owner to fines and penalties outlined in RSA 676:17.

4.4.7 Reports of Nuisances or Other Dangers to the Public Health

- 4.4.7.1 Nuisances or any other dangers to the public health reported by lodgers or abutters may require an inspection pursuant to RSA 147:3.

Durham

SHORT-TERM RENTAL – An accessory use to an owner-occupied single-family residence containing, in addition to living accommodations for the owner and the owner’s family, not more than three sleeping rooms, for the purpose of providing to the general public, for compensation, lodging, with or without breakfast, for less than thirty consecutive days. A short-term rental is not considered a home occupation.

[Table of land uses shows that short-term rentals are:

- Permitted in five commercial core zones
- Permitted by special exception in four residential zones
- Permitted by special exception in three research-industry zones
- Prohibited in Durham Business Park.]

R. ***Short-term rental.*** The following terms and conditions apply to a short-term rental.

1. A short-term rental may not be established until a permit to operate a short-term rental has been issued by the Zoning Administrator. The property owner shall submit an application to operate a short-term rental to the Zoning Administrator. The proposal shall be reviewed for compliance with all Building, Fire, and Life Safety Codes. Site plan review is not required for a short-term rental.
2. Special Exceptions. In those districts where a short-term rental is allowed by special exception, the property owner shall obtain a special exception prior to issuance of a permit to operate a short-term rental. The following specific requirements apply to special exceptions for short-term rentals:
 - a. ZBA Hearing. For notification purposes, abutting properties shall include those lots within 300 feet of the subject property.
 - b. Other Conditions. The Zoning Board of Adjustment may set additional conditions on the special exception based upon potential impact of the proposal to the neighborhood.
3. The site where the short-term rental is located must be the property owner’s primary residence.
4. The property owner or a member of the property owner’s family must be on the premises overnight each night while the property is rented.
5. Those areas of the premises open to use by lodgers remain subject to periodic safety inspections per state law.
6. No recreational vehicle, travel trailer, tent, or other temporary shelter may be used by the renter(s) on the premises in conjunction with the short-term rental.

7. Signage is restricted to the following:
 - a. One non-illuminated sign not exceeding two square feet. If ground mounted the sign must be set back at least 10 feet from all lot lines and be no taller than three feet. If mounted on the house no part of the sign may be higher than the top of the first floor windows.
 - b. Non-advertising auxiliary signs (such as “No Parking Here” and “Entrance to the Right”) that are non-illuminated and do not exceed one square foot for each sign.

Hanover

Full Text of Article 14, Amendment 13:

The following amendments proposed to the Hanover Zoning Ordinance shall become effective only upon the Selectboard adoption of a rental housing inspection ordinance that establishes occupancy standards, and a registration and inspection process for all rental properties.

**Amend Article III Definitions by modifying the definitions of:
dwelling, owner-occupied**

A dwelling unit that is the actual and *principal* ~~primary~~ residence of its owner, who is continuously present in the dwelling unit.

dwelling, seasonal

A one-family dwelling that is unoccupied at least 182 days in *any calendar year* ~~any 365-day period~~, including, but not limited to, a vacation home, summer cottage, or hunting or fishing camp

Amend Article III Definitions by adding the following definitions:

dwelling, investor-owned

A dwelling unit that is not the actual and principal residence of its owner.

calendar year

the period of 365 days (or 366 days in leap years) starting from the first of January, used for reckoning time in ordinary affairs.

transient

Residing in one location for 30 days or less

hosted short-term rental

An additional use of a one-family, owner-occupied dwelling where the owner is continually present on the premises during the period of the rental.

un-hosted short-term rental, seasonal

An additional use of a one-family seasonal dwelling where the owner has vacated the premises during the period of the rental.

un-hosted short-term rental

An additional use of a one-family, owner -occupied dwelling where the owner has vacated the premises during the period of the rental.

Amend Article IV by adding to the lists of permitted uses and uses allowed by special exception as follows:

[List of permitted uses is amended to state that:

- Hosted short-term rentals are permitted in three residential districts, Goose Pond District, and Forest & Recreation District.
- Un-hosted short-term rentals are permitted by special exception in three residential districts.
- Un-hosted short-term rentals, seasonal, are permitted in Goose Pond District and Forest & Recreation District.]

Amend Section 519 by adding a new subsection 519.4, as follows:

519 Rentals

519.1 The owner of record of a property containing one or more rental units is solely responsible for compliance with the provisions of this section.

519.2 A non-owner-occupied dwelling unit may be rented as a residence for an unrelated family limited to three persons or a related family. No tenant may rent any space to additional roomers.

519.3 Rooms without separate cooking facilities may be rented in any owner-occupied dwelling unit to not more than three non-transient persons. Rooms may not be rented in non-owner-occupied dwelling units. Off-street parking adequate for occupants of the rented rooms must be provided pursuant to Article X.

519.4 Short-term rental is subject to the following provisions:

A. The use of rooms without separate cooking facilities in a one-family dwelling unit for hosted short-term rental to transient guests is permitted.

B. The use of a one-family dwelling unit for un-hosted short-term rental to not more than three unrelated transient guests is permitted. Un-hosted short-term rental is not permitted in an accessory dwelling unit.

C. Short-term rentals, hosted and un-hosted, are permitted for a total of 90 days in any calendar year, except that un-hosted rentals may not exceed 30 days within the 90 days permitted.

D. Short-term rentals, hosted or un-hosted, are permitted only in a dwelling that is the principal

residence of its owner. Short-term rentals, hosted or un-hosted, are not permitted in investor-owned dwellings.

E. Seasonal short-term rental to transient guests is permitted only in seasonal dwellings and for not more than 182 days in any calendar year.

F. All short-term and seasonal short-term rental uses must be duly registered by the Town.

G. Off-street parking must be provided in accordance with Article X.

Add to Section 1002 two new use categories with parking standards, as follows:

1002 Schedule of minimum requirements for off-street parking spaces

1002.1 In all districts off-street parking spaces must be provided as follows:

Use categories	Minimum number of off-street parking spaces required
Rooming house, motel, hotel	1 for each living accommodation
Bed & breakfast/Tourist home	3 for the dwelling unit plus 1 for each bedroom for guests
One-family dwelling unit	2 per unit
Roomer	1 for each roomer
<i>Hosted Short-term rental</i>	<i>1 for each rented bedroom</i>
<i>Un-hosted Short-term rental</i>	<i>2 per unit</i>
Senior housing development Independent living	1.1 per dwelling unit and 1 for each 1.5 employees based on the highest expected average employee occupancy
Assisted Living	1 for each 1.5 employees based on the highest expected average employee occupancy
Affordable	0.75 per dwelling unit
Multi-family, PRD	1.5 per dwelling unit for the first bedroom and 0.5 spaces for each additional bedroom with total spaces equaling the next highest full space

