

**Town of Lexington
Motion
Special Town Meeting 2020-2**

ARTICLE 10

AMEND ZONING BYLAW- SHORT TERM RENTALS

MOTION: That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended by adding a new Section 6.10 as follows, and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Lexington:

6.10.1 PURPOSE.

The purposes of this section are to:

1. Provide a process through which certain residential dwelling units and bedrooms within dwelling units may be registered with the Town of Lexington for use as “short-term rentals”;
2. Provide health and safety standards for short-term rentals; and
3. Provide for the orderly operation of short-term rentals within the Town’s residential neighborhoods.

6.10.2 DEFINITIONS.

Short-term rental: Any rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days, but not a bed-and-breakfast home, hotel, or motel.

Short-term renter: Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, as a short-term rental.

Short-term rental operator: The person or persons offering a dwelling unit or bedroom within a dwelling unit, for short-term rental, with the written permission of the owner, condominium association, and homeowners association where applicable.

Operator-occupied short-term rental: The short-term rental of a dwelling unit, or of individual bedrooms within a dwelling unit, that is the primary residence of its operator.

Operator-adjacent short-term rental: The short-term rental of a dwelling unit, that is not the primary residence of the operator, but is located within a dwelling with a total of four or fewer dwelling units where one of the dwelling units in the building is the primary residence of the operator.

6.10.3 REQUIREMENTS. Operator-occupied, and operator-adjacent short-term rentals are permitted as an accessory use to a permitted principal residential use, subject to the following requirements:

1. No dwelling unit, or bedroom within a dwelling unit, may be used as a short-term rental except in compliance with this bylaw.
2. The following dwelling units may not be used as short-term rentals:
 - i. Dwelling units designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law;
 - ii. Accessory Apartments as defined in Section 6.7; and

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- iii. Any dwelling unit in violation of the State Sanitary Code, 105 CMR 410.
- 3. All short-term rental operators shall register with the Building and Zoning Office prior to short-term rental use and occupancy in conformance with Section 6.10.5 below.
- 4. A short-term rental operator may make available no more than one (1) dwelling unit for operator-occupied short-term rentals, which may include the separate short-term rental of no more than three (3) individual bedrooms, and one (1) dwelling unit for operator-adjacent short-term rentals, which may be rented only as a whole unit to one (1) party of short-term renters at any one (1) time and may not be rented as separate bedrooms to separate parties.
- 5. A short-term rental shall be limited to parking of one (1) vehicle per two (2) occupants in the short-term rental.
- 6. The short-term rental operator or their agent shall maintain an up-to-date log of all occupants that occupy the short-term rental, which shall contain the occupants' names, ages, and dates of commencement and expiration of each short-term rental period. The log shall be available for inspection by the Town's Board of Health and Department of Public Safety in case of emergency. The purpose of this requirement is to ensure that the Town shall have basic identifying information of all occupants of the short-term rental at all times.
- 7. The short-term rental operator must be current with all town taxes, water, and sewage charges.
- 8. All short-term rental operators shall maintain liability insurance appropriate to cover the short-term rental use.
- 9. During any period of seven (7) or more consecutive days when the short-term rental operator is away from the dwelling unit, an operator-occupied short-term rental may be rented only as a whole unit and not rented as separate bedrooms to separate parties.
- 10. The number of bedrooms made available for operator-occupied short-term rentals within a dwelling unit shall not be greater than the number of lawful bedrooms in the dwelling unit.
- 11. Renting for an hourly rate, or for rental durations of less than ten (10) consecutive hours, shall not be permitted.
- 12. Short-term rentals shall not exceed in the aggregate, one-hundred-twenty (120) consecutive or nonconsecutive calendar days per year when the short-term rental operator is not occupying the dwelling unit during the entire term of the short-term rental.

6.10.4 REGULATIONS. The Building Commissioner shall have the authority to promulgate regulations to carry out and enforce the provisions of this Section 6.10 "Short-Term Rentals."

6.10.5 REGISTRATION, INSPECTION AND FEES.

- 1. All dwelling units, or bedrooms within a dwelling unit, offered for short-term rentals shall register with the Town, secure a Certificate of Registration according to standards set forth by the Building Commissioner, and pay all associated fees. The Certificate of Registration shall require the short-term rental operator to agree to abide by the requirements of this Section 6.10.

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2. It is the responsibility of the short-term rental operator to renew its Certificate of Registration on an annual basis or upon change of operator or owner.
3. Prior to issuing or renewing a certificate of registration, the Building and Zoning Office shall conduct an inspection to verify that each dwelling unit, or bedroom within a dwelling unit, to be rented to short-term renters meets the requirements of this Section 6.10.
4. Units shall be annually recorded in the Short-Term Rental Registry for a fee set by the Select Board.

(Revised 10/16/2020)