



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## **Work Group Reviewing an Ordinance Regarding Short-Term Rentals**

February 21, 2020

8:00AM

Main Meeting Room, Town Hall, 933 Hopmeadow Street

### **SPECIAL MEETING AGENDA**

Call to Order

- 1) Review and Discussion of Draft Ordinance Created by Staff
- 2) Next Steps and Meeting Dates
- 3) Communications: Draft Ordinance from J. Devivo dated February 6, 2020
- 4) Approval of Minutes
  - a. January 24, 2020

Adjournment



# Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

## TOWN OF SIMSBURY Short-Term Rental Ordinance

*Adopted by the Board of Selectmen on [month] [day], [year]*

### I. Purpose

The purpose of this ordinance is to establish regulations on short term rentals in the Town of Simsbury. By establishing these regulations the Town will be able to monitor short term rental listings in Simsbury while also maintaining the characteristics that define Simsbury.

### II. Definitions

- A. **Occupant:** Any person(s), and their guests, who have entered into an agreement with a property owner for the use of the short term rental.
- B. **Owner:** Any person(s) who holds the legal right to the property and uses the property as their legal residence.
- C. **Owner Occupied:** During the course of the rental period, the owner (as defined above) is present inside the dwelling.
- D. **Primary Residence:** An owner who spends at least 183 days at their property is defined as a primary resident.
- E. **Short Term Rental:** Any property rented by a person(s), of 18 years or older, for a period of one (1) to twenty-nine (29) consecutive days. A short term rental must have separate sleeping areas established for guests and guests must have at least shared access to one (1) full bathroom and cooking area.
- F. **Sleeping Area:** A sleeping area is defined as a separate space, with a bed provided that the guest(s) of a short term rental have access to. This area must be inside the dwelling and cannot include: tents, outdoor areas, and/or recreational vehicles. **The maximum amount of guests per sleeping area is**
- G. **Authorized Enforcement Agency:** Employees or designees of the town as designated by the Town Manager to enforce this ordinance.

### III. Permit Required

- A. No one shall be allowed to operate a short term rental in the Town of Simsbury without a valid short term rental permit authorized by the Planning and Land Use Department.

- i. By doing so, that property is in violation of this ordinance and subject to fines and enforcement stated in below sections.
- B. Only the legal property owner may apply for and obtain a short term rental permit.

#### IV. Application Process for a Short Term Rental Permit

##### A. How to Apply

- i. An application form from the Planning and Land Use Department must be completed.
    - 1. All information entered on the form must be as current and accurate as possible.
    - 2. To be included in the application is:
      - a. A list of all owner(s) and permanent residents of the property, and their contact information.
      - b. The number of separate sleeping spaces made available to guest(s) of the short term rental.
  - ii. A new application fee of seventy five dollars (\$75) will be charged if your application for a short term rental permit is approved.
  - iii. The Director of Planning and Community Development, or his/her designee, has the authority to approve or deny any application for a short term rental in the Town of Simsbury.
  - iv. An initial safety inspection must be completed by a staff member of the Planning or Building Department before a permit may be issued.
- B. An application must be fully complete when being submitted to the Planning and Land Use Department. The Town will not accept incomplete applications.

##### C. Limit to Amount of Rentals

- i. No owner may rent their property as a short term rental for more than one hundred (100) days during any one year period of their short term rental permit. Upon renewal of their permit, an owner will be able to rent their property for another one hundred (100) days.

##### D. Parking Requirements

- i. At least one (1) off street parking<sup>1</sup> space must be made available to the person(s) renting the dwelling.
    - 1. If more than 5 guests are renting the property then an additional off street parking space must be made available.
    - 2. If more than 3 guests are renting the property then an additional off street parking space must be made available

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<sup>1</sup> Make mention of parking ordinance i.e. during winter storms?

- ii. At least two (2) off street parking space must be made available to the person(s) renting the dwelling.
- iii. The provided parking space(s) may not be on the yard of the property.

#### **E. Neighbor Notification**

#### **F. Owner Occupancy Requirement**

- i. If the property is located in a \_\_\_\_ zone according to the Town of Simsbury Zoning Regulations, the Owner, as defined above, of the property must be present during the rental period of the property. Any owner who is not present during the rental will be violating this ordinance and subject to the enforcement and penalties stated in subsequent sections below, including revocation of their short term rental permit.

#### **G. Place of Permanent Residence**

- i. If the property is located in a \_\_\_\_ zone according the to the Town of Simsbury Zoning Regulations, the Owner, as defined above, may rent the property, while not present during the rental, as long as it is their place of permanent residence for the majority of the year.

#### **H. Accessory Dwellings**

- i. Accessory dwellings, either attached or unattached, are permitted to be used as short-term rentals provided that:
  - 1. They meet the same standards set forth in this ordinance as a traditional single family house
  - 2. They are at least XX feet from the property line
  - 3. They have at least 1 full bathroom
  - 4. They have proper, functioning heating and cooling

#### **I. Single Family and Multifamily Neighborhoods**

i. \_\_\_\_\_

### **V. Expiration and Renewal Process of Permit**

#### **A. Expiration**

- i. All short term rental permits are valid for one year from date issued.
- ii. Permits become invalid at 11:59 PM on the listed expiration date of the short term rental permit.

#### **B. Renewal Process**

- i. An application for renewal of a short term rental permit must be submitted to the Planning and Land Use Department at least one (1) month but no more than three (3) months before the expiration date of the current permit.
- ii. Applicants must bring in the following forms when applying for a renewal:
  - 1. The previous year's approved permit.
  - 2. An updated application, if any requested information has changed in the past year.
  - 3. A renewal fee of fifty dollars (\$50).
  - 4. Copies of sales tax receipts from the previous calendar year.
- iii. If the Director of Planning and Community Development, or his/her designee, sees fit he/she may authorize a renewal inspection of the property before granting a renewed permit. The Director of Planning and Community Development, or his/her designee, has the authority to reject an application for renewal.
- iv. A renewal is when an owner had a valid short term rental permit in the previous year that was not revoked by staff. A gap of eight (8) or more months between an expired permit and an application for a renew permit will be treated as a new application for a short term rental permit and should follow the steps in Section IV, A.

**VI. Non-transferability**

- A. A short term rental permit is not transferable to another owner, operator or property.

**VII. General Standards**

**A. Maximum Occupancy**

- i. The maximum occupancy for a dwelling is 6 unrelated adults.

**B. Safety**

- i. A short term rental property must have:
  - 1. Working smoke and Carbon Monoxide detectors with placement following town/State building codes.
  - 2. A working fire extinguisher shall be located in the dwelling at all times when the property is being used a short term rental.
  - 3. A clear path of egress is always visible while the property is available for rent.
  - 4. Properly functioning windows and doors in all livable spaces of the dwelling.
  - 5. Sleeping accommodations are to the state building code.

### **C. Conduct**

- i. Short term rental guests are subject to all relevant town codes and ordinances. It is up to short term rental owners to notify their guests of any applicable codes and ordinances and to ensure that they are followed.
- ii. Excessive noise or other disturbances are prohibited
- iii. No activities in excess of 75 decibels at the property line are allowed.
- iv. No outdoor events are allowed.
- v. No indoor or outdoor events are allowed
- vi. No guest may spend the night sleeping outdoors.
- vii. No signage advertising the property as a short term rental is allowed.

### **VIII. Inspections**

- A. When violations are suspected, Town officials have the right to perform inspections, both externally and internally, of a short term rental property.

### **IX. Enforcement**

- A. The authorized enforcement agency, as defined in section II.G, has the right to determine if a violation has occurred and then take action to correct said violation.
- B. A violation consists of but not limited to operating a short term rental without a valid short term rental permit, as well as using a property as a short term rental for anything other than the allowed uses stated earlier in this document.
- C. The authorized enforcement agency has the authority to suspend a short term rental permit until the owner comes into compliance.
  - i. The Director of Planning and Community Development, or his/her designee, shall give the owner thirty (30) days to correct the violations.
  - ii. This suspension will not delay the expiration of an owner's short term rental permit.
- D. Violations of this ordinance can lead to daily fines of up to \$250
- E. [Insert CT General Statute about fines?]

### **X. Revocation Procedure**

- A. If any violations determined by the authorized enforcement agency, do not get corrected in the given timeframe, the Director of Planning and Community Development has the authority to revoke an owner's short term rental permit.
- B. If an owner has their short term rental permit revoked a new permit may not be granted to that property for 12 months.

### **XI. Appeals**

- A. Permit Appeals.** An appeal must be received in writing and filed with the Town Clerk's Office within ten (10) business days from receipt of the notice of the written decision. For this purpose, notice shall be deemed received three (3) calendar days from the date of the written decision. Hearing on the appeal before the Hearing Officer shall take place at its next meeting, but not to exceed fifteen (15) business days from the date of receipt of the notice of appeal. The decision of the Hearing Officer shall be final.
- B. Citation Appeals.** Any person receiving a fine may appeal the determination of the authorized enforcement agency. The notice of appeal must be received in writing and filed with the Town Clerk's Office within ten (10) business days from receipt of the notice of the fine. For this purpose, notice shall be deemed received three (3) calendar days from the date of the notice. Hearing on the appeal before the Hearing Officer shall take place within thirty (30) business days from the date of receipt of the notice of appeal. The decision of the Hearing Officer shall be final.

## **Recommendations for the Short-Term Rental Ordinance Work Group**

### **OPTION 1 – LIMITED AREAS**

To the extent the Work Group believes permitting Short-Term Rentals (STRs)<sup>1</sup> is the most effective way to prevent the problems inherent in the activity, the strong preference of the neighborhood group is to limit STR activity to certain areas of town. These may include:

- The Town Center area
- Commercially-zoned areas of town

There are several advantages to this approach:

- It permits STRs in areas with housing/building stock most appropriate for the activity
- There is already a high percentage of long-term rental in these areas
- The increased traffic and parking are generally less of an issue in these higher-traffic areas
- These areas are closer to local restaurants and businesses that may be frequented by STR guests
- It reduces the impact of quality of life issues that accompany STRs
- It may provide an income opportunity for unrented or underutilized space in these areas
- STRs in these areas may be subject to fewer or less stringent regulations than those that would be necessary if STRs were permitted everywhere in town<sup>2</sup>

### **OPTION 2 – TOWN-WIDE STRs**

For reasons we have articulated at length in the past, the neighborhood group is opposed to Town-Wide STRs, particularly if Limited Use is an option. To the extent the Work Group does decide to pursue an ordinance that permits Town-Wide STRs, we propose the following provisions.

#### **I. Eligibility Requirements**

- A. Only a property owner's primary residence may be used as a STR
- B. Property owners must obtain a Short-Term Rental License from the Town of Simsbury prior to offering a property as a STR
- C. No property owner can be an owner or an occupant of more than one property used as a STR

#### **II. Short-Term Rental License Provisions**

- A. No property owner may rent their property as a STR for more than 20 nights during any one-year period of the Short-Term Rental license or for more than 2 nights for any calendar month.
- B. No more than 6 guests may stay in a STR. Each guest must have a bed.

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<sup>1</sup> Short-Term Rentals are any rental less than 30 consecutive days.

<sup>2</sup> For the purposes of this document, we did not identify which provisions of a Town-Wide STR ordinance would be applicable to Limited Use. If it would be helpful to the Working Group, we would be happy to provide those recommendations.



- C. The names, addresses, and contact information of all guests must be recorded and available for review by Town Staff. Such information must be kept for no less than 1 year.
- D. No parties or events are permitted inside or outside of the dwelling of a STR.
- E. Guests may not entertain other individuals inside or outside the dwelling of a STR.
- F. Property owners may not entertain non-guests inside or outside the dwelling of a STR.
- G. Music, conversation, and other activities must be kept at a level such that the noise does not disturb neighbors.
- H. Guests must be provided with Provisions B through G, inclusive at the time of booking the STR and again when they arrive at the property.
- I. *Placeholder for any other rules, ordinances, etc, the Work Group wants property owners to provide to guests similar to H.*
- J. No signs may be placed on the outside of the property to indicate that it has a Short-Term Rental License.
- K. Property owners must comply with all Parking Requirements detailed in Section III below
- L. Property owners must comply with all Health and Safety Provisions detailed in Section IV below
- M. Property owners shall be liable for any violation of this Ordinance or any other Town Ordinance, Code, or Section of the General Statutes of the State of Connecticut that results in harm to the person, property, or wellbeing of any person that arises from the use of the property as a STR.

### **III. Parking Requirements**

- A. The provided parking spaces may not be on the yard of the property.
- B. All parking is to be provided on site, no on-street parking is permitted.
- C. Total number of parking spaces must conform to the Zoning Regulations, but in no case will there be more than three (3) outdoor parking spaces.

### **IV. Health and Safety Provisions**

*(Placeholder)*

## **V. Short Term License Application, Renewal, and Forfeiture**

- A. Once a Short-Term Rental License request is received by the Town, property owners within 1,000 feet of the property will be notified that an application has been received. The initial license request will be subject to a public hearing, at which any Simsbury property owner may speak.
- B. Short-Term Rental Licenses must be renewed annually. Renewal applications must be filed between 4 and 6 weeks from the expiration of the current license. Any Simsbury property owner may comment on a STR renewal, and property owners within 1,000 feet of a STR will be notified when a request to renew an application has been received by the Town.
- C. Property owners must submit hotel tax paperwork, which is submitted to the CT Department of Revenue Services, to the Zoning Enforcement Officer within 10 calendar days of the end each calendar quarter.
- D. *Placeholder for other additional provisions required by the Town.*
- E. Short-Term Rental Licenses may be revoked at any time and initial Short-Term Rental License requests or renewals may be denied under any of the following conditions:
  - a. Failure to be pay the full hotel tax due to the state for all rentals
  - b. Renting a property for more than the maximum number of days
  - c. Renting a property without a Short-Term Rental License
  - d. Failure to accurately report the dates and number of rentals to the Town
  - e. Failure by the property owner, guest, or any other person associated with a property owner or a guest to adhere to any Short-Term Rental License Provision as described in Section II
  - f. Neighbor complaints of excessive noise that result in the notification of the Simsbury Police Department

## **VI. Prohibition on Non-Conforming Rentals**

Short Term Rentals which do not comply with all of the forgoing provisions are expressly prohibited.



# *Town of Simsbury*

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## **Work Group Reviewing an Ordinance Regarding Short-Term Rentals**

Friday, January 24, 2020

Main Meeting Room, Town Hall, 933 Hopmeadow Street

### **SPECIAL MEETING MINUTES – DRAFT**

Members Present: Chris Peterson, Jackie Battos, Bruce Elliot, Ron Jodice, Holly Beum, Liz Peterson

Staff Present: Maria Capriola, Thomas Fitzgerald, Henry Miga, Mike Glidden

The meeting was called to order at 8:00am

#### **1) Review and Discussion of an Ordinance Regarding Short-Term Rentals**

Mr. Peterson gave an overview of the purpose of the group and introductions were made. Ms. Capriola gave an overview of research conducted by staff regarding Short-Term Rentals and the memo that was prepared by staff. The group also discussed the memo prepared by the Zoning Commission. Mr. Miga gave background regarding a number of state statutes, housing code, and other relevant regulations. Mr. Peterson emphasized that any ordinance should balance protecting the quality of life in Simsbury with this new type of commerce.

Potential life-safety components to the ordinance were discussed. A focus on quality of life was mentioned as an important factor for this ordinance. The group had discussion on if this should be limited to only certain areas of the Town, and if the rentals should be owner occupied and what the definition of that would be.

#### **2) Next Steps and Meeting Date**

Another meeting will be scheduled for later in February; the group will look to hold meetings frequently so as not to lose momentum when drafting an ordinance.

The meeting adjourned at 9:45am.

Respectfully Submitted,  
Thomas Fitzgerald  
Management Specialist