



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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**Work Group Reviewing an Ordinance Regarding Short-Term Rentals**  
September 23, 2021  
8:00AM  
Zoom

## **SPECIAL MEETING AGENDA**

Call to Order

1) Review and Discussion of Draft Ordinance

2) Next Steps

3) Approval of Minutes

a. August 6, 2021

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

- A. The purpose of this ordinance is to ~~establish regulations on~~ regulate 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~~ and insure compliance with the Town and State rules, regulations and laws that apply.
- B. This ordinance is adopted pursuant to General Statutes §7-148(b) and §7-148(c)(7).

### 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 or beneficiary of like estate and uses the property as their legal residence.
- C. **Owner's Agent:** Any person who is 18 years or older and has been identified by a property Owner as a local contact. The Owner's Agent is authorized to act for an Owner who cannot be reached, in a reasonable amount of time, through all means of contact identified on their Short-Term Rental Permit.
- D. **Owner Occupied:** During the course of the rental period, the owner (as defined above) is present inside the dwelling.
- E. **Primary Residence:** An owner who spends at least 183 days at their property is defined as a primary resident.
- F. **Short-Term Rental:** Any ~~property~~ furnished living space 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.
- G. **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. A minimum of 75 square feet of sleeping area per guest shall be provided.

**H. Authorized Enforcement Agency:** Employees or designees of the town as designated by the Town Manager to enforce this ordinance.

**I. Event:** A gathering of persons that are occupants of the short-term rental and others that are not guests/occupants. Occasions such as weddings, graduation parties, or other gatherings of people would be considered as an event. Events can be either indoor or outdoor for purposes of this regulation.

### III. Permit Required

**A.** No one shall ~~be allowed to offer to rent, rent or~~ 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~~ Town of Simsbury and issued in accordance with this ordinance. Failure to secure a permit ~~is considered~~ shall be a violation of this ordinance and subject to fines and enforcement ~~stated in below sections~~ as defined hereinafter.

**B.** Only the ~~legal property~~ owner(s) of record of the Premises subject to the permit and eighteen (18) years of age or older may apply for and obtain a short term rental permit.

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

#### ~~A. How to Apply~~ Application Process

i. An application form ~~from~~ as issued by the Planning and Land Use Department must be completed.

1. All information entered on the form must ~~be as current and accurate as possible~~ be true and accurate to the applicant's knowledge and belief.

2. ~~To be included in~~ The application ~~is~~ shall include but not be limited to the following:

a. A list of all owner(s) and Primary residents of the property, and their contact information.

b. Contact information for a Owner's Agent who can be called on in emergency situations if property owner is not responsive.

c. The number of separate sleeping spaces made available to guest(s) of the short term rental.

d. A signed affidavit attesting to the fact that the Property is in compliance with health and safety rules, zoning and the building and fire safety codes and allowing Town officials the right to perform inspections, both externally

and internally, of a short-term rental property when safety violations are suspected.

c. ~~A signed affidavit that the property is the owner's primary residence.~~ [Will be added as a separate signature line on application form]

f. [Insert insurance line Melissa sends to CIRMA]

- ii. A new application fee of two hundred dollars (\$200) ~~will be charged if your application for a short-term rental permit is approved~~ shall be collected upon the submission of the completed permit application..
- iii. The Director of Planning and Community Development, or his/her designee, ~~has the authority to~~ shall 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~~ the property as a short-term rental under the permit for more than one hundred (100) days during any one year period of their short-term rental permit.
- ii. Only one rental permit is permitted per property.
- iii. Only one portion of a residence or accessory dwelling unit can be used at a property.

#### **D. Parking Requirements**

- i. The Town shall determine the number of parking spaces required for each property. Each required parking space shall have an area of not less than nine (9) feet by eighteen (18) feet, plus adequate driveways. All required parking spaces shall be located on paved surfaces.
- ii. No renter may park their vehicle on a public street between the hours of 2:00AM and 5:30AM.

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

- i. Within five (5) days after the date of receipt of the application for an initial permit, the applicant shall submit, as part of the application ~~record~~, the name(s) and address(es) of the owner(s) of record of all ~~lands~~ property abutting or within one hundred (100) feet of the subject property, as listed on the last-completed grand list of the Town of Simsbury.
- ii. Notice of the permit shall be mailed by the applicant to the owner(s) of record of all ~~lands~~ property within one hundred (100) feet of the subject

property not fewer than ten (10) days after application is filed. The applicant ~~is to~~ shall provide copies of ~~completed~~ certificate of mailings ~~were completed~~ to Planning Department staff for issuance of permit.

- iii. Applications for permit renewals are not required to notify abutting property owner(s) as outlined above.

#### **F. Owner Present During Rental Period**

- i. The owner of a property has the option of being present while renting their property or renting their property while not being onsite during the rental period.
- ii. If choosing to be offsite during a rental period the owner must provide their contact information to the renter as well as to the Town on their permit. If the owner is unable to be in the local area while renting their property an owner's agent must be identified to the renter and to the town in case of emergencies or situations that may arise during the rental period.
- iii. Failure to provide proper contact information of either the property owner or owner's agent while the owner is offsite may result in the revocation of the Short-Term Rental Permit.

#### **G. Accessory Dwellings**

- i. Accessory dwellings, as defined by the Town of Simsbury Zoning Regulations, 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 have at least 1 full bathroom;
  - 3. They have proper, functioning heating and cooling;
  - 4. The unit ~~is~~ has received a certificate of zoning compliance ~~approved by~~ from the Zoning Commission.

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

#### **A. Expiration**

- i. All short-term rental permits are valid for two years 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~~ submit the following forms when applying for a renewal:

1. The previously approved permit;
2. An updated application, if any requested information has changed in the past year;
3. A renewal fee of one hundred thirty dollars (\$130);
4. Copies of sales tax receipts from the previous rental period.

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~~ may reject an application for renewal.

iv. A renewal ~~is when~~ permit may only be applied for if the ~~an~~ owner ~~had~~ holds a valid short-term rental permit in the previous year that was not revoked by staff. ~~A gap of~~ Any permit that has lapsed 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, or property.

## VII. General Standards

### A. Maximum Occupancy

i. The maximum occupancy for a short-term rental unit shall be 6 ~~unrelated~~ persons or ~~based on the total number of~~ two persons per each bedroom in the unit, whichever is less.

### B. Safety

- i. A short-term rental property must ~~have~~ include:
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.

6. Demonstrate compliance with the Town Zoning Regulations, health and safety codes that may apply as determined by the Farmington Valley Health District, the State Building Code and the State Fire Safety 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. Indoor and outdoor events ~~both indoor and outdoor~~ are prohibited.
- v. No guest may spend the night sleeping outdoors.
- vi. ~~No~~ Signage advertising the property as a short-term rental is ~~allowed~~ prohibited.

## VIII. Enforcement

- A. The authorized enforcement agency, as defined in Section II, has the ~~right~~ authority to determine if a violation has occurred ~~and then take action to~~ issue citations to correct ~~said~~ any violation found to exist.
- 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 shall be a violation of this ordinance.
- C. The Authorized Enforcement Agency has the authority to suspend a short-term rental permit until the owner comes into compliance.
  - i. The Authorized Enforcement Agency or his/her designee, shall give the owner up to thirty (30) days to correct the violations.
  - ii. This suspension will not delay the expiration of an owner's short-term rental permit.
  - iii. The Authorized Enforcement Agency, or his/her designee shall have the authority to immediately suspend a short-term rental permit if safety violations are present.
- D. Violations of this ordinance can ~~lead to daily~~ be assessed fines of up to \$250 in accordance with Section 7-152c of the Connecticut General Statutes.

## IX. Revocation Procedure

- A. If any violations ~~determined~~ found by the authorized enforcement agency, do not get corrected in the ~~given~~ allowed timeframe, the Director of Planning and Community Development ~~has the authority to~~ may 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.

## X. 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. **Denial of a Permit Application or of a renewal application is not appealable**
- 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. The appeal shall be deemed received by the Town on the first business day following the day it is filed with and received by the Town Clerk's Office.
- C. 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~~ **in accordance with General Statutes §7-152c.**
- D. The decision of the Hearing Officer may be appealed to Superior Court **in accordance with General Statutes §7-152c(g).**





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September 20, 2021

Maria E. Capriola, MPA  
Town Manager  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury, CT 06070

Re: Simsbury Short Term Rental Draft Ordinance

Dear Maria:

The following are my responses to the questions raised regarding the draft Short Term Rental Ordinance.

1. Affidavit: Section IV.A.i.2.e requires a primary residence affidavit. In lie of an affidavit, can the Town make a signature line on the application form for a STR permit that says something along the lines of signing this means you attest to all information being accurate rather than creating a new form/another piece of paper for the applicant to sign?

**Response**: Yes, the signature line approach is sufficient for the intended purpose.

2. Insurance Requirement: The State's draft STR regulation includes insurance requirements necessary to obtain and maintain an STR permit. The state document calls for property and casualty insurance coverage stating minimum provisions are to be prescribed by the Insurance Commissioner. The only specific benchmark in the State's draft regulation is a minimum of one million dollars of liability coverage for claims of bodily injury or death and property damage. Should the ordinance include an insurance requirement?

**Response**: Yes, evidence of insurance should be added to the information required for a permit. The coverage parameters should be, at a minimum, the state requirement and reviewed by CIRMA.

3. Delegation of Authority: In looking at the total document, there is no statement to the effect that the Board of Selectmen is delegating administration of the Short Term Rental ordinance to the Director of Planning. Should wording to that effect be added or is this a typical framework for an ordinance not to mention the BOS?

**Response**: The delegation to the Director of Planning can be added to the draft ordinance.

Updike, Kelly & Spellacy, P.C.

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4. Attestation Requirement: In Para IV A i. 1 of the draft, a suggestion was made to eliminate characterizing a standard for submitted data as “as accurate as possible.” Can this subparagraph be eliminated in favor of a statement above the signature line to the effect that the applicant has provided accurate current information in all he above responses?

**Response**: Agreed. The statement should read “true and accurate to the applicant’s knowledge and belief.”

5. Distance Requirements: Para IV E i & ii of the Draft Ordinance establishes the required distance for notifying neighbors, 100 feet seems be insufficient. 100 feet minimizes the burden on applicants but may fall short of ensuring notice to effected neighbors.

**Response**: The distance requirement is a policy decision for the Committee.

6. Accessory Dwelling Units: Section Para IV G of the Draft Ordinance: Consider inserting text to make clear whether or not the Town is requiring Accessory Dwelling Units to have an STR permit.

**Response**: This proposed change is a policy decision for the Committee.

I trust this responds to your inquiry. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Robert M. DeCrescenzo, Esq.  
Town Attorney

RMDe/psm  
cc: Tom FitzGerald  
Mike Glidden



# *Town of Simsbury*

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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

Friday, August 6, 2021  
Zoom

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

Members Present: Chris Peterson, Jackie Battos, Bruce Elliott, Ron Jodice, Liz Peterson

Staff Present: Thomas Fitzgerald, Mike Glidden

The meeting was called to order at 8:03am

#### **1) Review and Discussion of Draft Ordinance**

Staff informed the group that the most recent draft was sent to the Town Attorney and that the Town Attorney and his office had reviewed and provided comments. The group reviewed the comments as well as some comments from the Town Manager's Office.

The group had a few questions to send back to the Town Attorney for further review.

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

It was discussed about another meeting in the next few weeks prior to sending to a Board of Selectmen meeting in September.

#### **3) Approval of Minutes**

The minutes of the June 11, 2021 were approved by consensus with Mr. Elliot abstaining.

The meeting adjourned at 8:39am.

Respectfully Submitted,  
Thomas Fitzgerald  
Management Specialist