



Town of Falmouth

Short-Term Rental Working Group

SHORT-TERM RENTAL WORKING GROUP OUTLINE

1) Goals

The Short-Term Rental Working Group will have the following goals:

- Maintain the existing quality of life in our residential neighborhoods
- Maintain the existing character in residential neighborhoods
- Respect and maintain private property rights for all residents
- Protect the safety and welfare of our residents and their guests
- Provide a clear process for property owners looking to rent their dwelling in town

2) Purpose and Scope

The Short-Term Rental Working Group has the following purpose and scope, which are guided by the goals outlined above:

- To investigate how other communities in the Commonwealth, especially Cape Cod towns, are regulating short-term rentals.
- To explore the creation of enforceable standards and requirements for the operation and occupancy of short-term rentals in town.
- To analyze the creation of a formal short-term rental registration process inclusive of a monitoring and enforcement program.
- To determine the most appropriate way to deal with short-term rentals in Falmouth.
- To possibly develop a draft bylaw and/or zoning change for the Select Board and Town Meeting to review and approve.

Short-Term Rentals are broadly defined as residential dwellings, or portions or dwellings that are rented out in advance for less than 31 days (including weekly rentals).

3) Members

The Short-Term Rental Working Group shall include the following members:

- (1) Planning Board member
- (1) Select Board member
- (1) Real estate agent from the community
- (1) Real estate attorney from the community
- Town Counsel (or designee)
- Building Commissioner (or designee)
- Health Agent (or designee)
- Town Planner (or designee)



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4) Policies

All working group meetings will be public meetings that are posted in accordance with MGL Chapter 30A Section 20.

Minutes will be taken at each meeting, reviewed by the working group, and voted on before being posted for the public.

Meetings will be held in the Select Board Meeting Room the fourth Tuesday of each month at 4:30pm.

Members from various Town Departments, residents, and local business owners in town may be asked to attend some meetings for interviews.

5) Reporting

The Planning Board member and the Select Board member shall be responsible for updating their respective Board members on the Short-Term Rental Working Group discussions and/or recommendations.

Chapter 172. Rental Property

[HISTORY: Adopted by the Town of Falmouth Special Town Meeting 6-3-1975, Art. 16; amended in its entirety Special Town Meeting 4-5-1994, Art. 10, approved 7-9-1994. Amendments noted where applicable.]

GENERAL REFERENCES

Housing Authority — See Ch. 42.

§ 172-1. Registration to determine occupancy limits.

Any owner or agent who shall offer for rent or lease any building or portion thereof to be used for habitation, other than duly authorized or licensed premises, shall first register with the Health Agent who shall determine the number of persons said building or portion thereof can legally accommodate. Such registration shall remain effective until December 31st of the calendar year. Occupancy shall be determined by application of the following formula: Two persons shall be allowed for each bedroom over one hundred (100) square feet, provided that additional occupancy, as allowed upon Article II of the State Sanitary Code, 105 CMR 410.400(B), may be allowed upon inspection by the Board of Health.

§ 172-2. Fine for failure to register.

Any owner or agent who shall offer for rent or lease any building or portion thereof which has not been registered under § 172-1 shall be punished by a fine of not more than three hundred dollars (\$300.).

§ 172-3. Fine for exceeding occupancy limits.

If it is found that the number of occupants in any building or portion thereof used for habitation exceeds the number of the registered occupancy as required by § 172-1 of this chapter, or if no such registration shall be in effect, then the tenant, lessee or person in control of said building or portion thereof shall be punished by a fine of not more than three hundred dollars (\$300.).

§ 172-4. Posting of certificate of registration.

Any building or portion thereof registered by the provisions of this chapter shall have conspicuously posted therein a certificate of registration issued by the Board of Health which shall indicate, at a minimum, the number of occupants that may legally occupy said building or portion thereof, and the name, address and telephone number of the owner and the owner's agent, if applicable.

§ 172-5. (Reserved)

[1] *Editor's Note: Former § 172-5, Fees, was repealed ATM 4-8-2013, Art. 28, approved 5-3-2013.*

§ 172-6. Violations and penalties.

For penalty, see Chapter 1, General Provisions, Article I, Penalties.

§ 172-7. Variances.

The Board of Health on petition of a property owner, may vary any provision of this chapter if, in its opinion, strict application of the chapter would constitute a manifest injustice and would not materially affect the safety or well-being of the occupants.

Short Term Rental Tax

On January 1, 2019 a new short term rental tax went into effect. For the Town of Falmouth, the current breakdown is as follows:

- **5.7%** to the state.
- **6%** to Falmouth via the state. This is the same rate that hotels and B&Bs currently pay.
- **2.75%** to Cape Cod Water Quality Fund via a state water commission, for appropriate wastewater/water quality projects.
- **3%** of the total rent upon each transfer of occupancy of professionally managed units, Community Impact Fee for Affordable Housing.