



City of Revere
City Council

City Council Order No. 20-209

Date: August 24, 2020

Offered by Revere City Council

AN ORDINANCE ESTABLISHING REGULATIONS FOR SHORT-TERM RENTALS

Be it ordained by the City of Revere as follows:

I. AN ORDINANCE FURTHER AMENDING TITLE 8 OF THE ORDINANCES OF THE CITY OF REVERE

SECTION 1. Title 8 of the Revised Ordinances of the city of Revere is hereby amended by inserting the following new chapter and sections:

Title 8, Chapter 8.06 - Short-term rental

8.06.010 - Summary and Purpose.

Short-term rental for rental parties of no more than six renters shall be permitted in the City of Revere at a residential property that is owned by and contains the Primary Residence of the Operator as defined herein, for up to sixty days in a calendar year, properly registered in accordance with the provisions herein. This Chapter provides the process for the regulation, legal operation and registration of certain Short-term rentals in the city of Revere, in order to protect the safety of renters and residents, ensure that the primary use remains residential, and ensure that Short-term rentals will not be a detriment to the character and livability of the surrounding residential neighborhood.

8.06.015 Exclusions

- A. The provisions of this ordinance do not apply to the accommodation, for a fee, of a bedroom or attached apartment contained within and accessible through the Operator's Primary Residence Unit and is not accessed exclusively through a separate entry.
- B. The provisions of this ordinance do not apply to any month-to-month tenancy at will agreement between a landlord and a tenant.
- C. The provisions of this ordinance do not alter or nullify any municipal ordinance governing the construction, alteration, conversion, use, and regulation of a lodginghouse, roominghouse, or boardinghouse.

8.06.020 - Definitions.

- A. Condominium Building: A building or structure containing individually-owned units created and existing in compliance with Mass.G.L. ch. 183A.
- B. Dwelling: A building or place of residence, classified for residential use.

- C. Operator: the owner of the Residential Unit that the owner seeks to offer as a Short-term Rental. Only one owner may be registered as an Operator on the Short-term Rental Registry for a Residential Unit.
- D. Owner-adjacent Unit: In a residential dwelling containing four or fewer residential units, each of them owned or partially owned by the Operator, and one of them being the Operator's primary residence, an Owner-adjacent unit is any residential unit in the dwelling other than the Operator's primary residence unit.
- E. Owner-adjacent condominium unit: In a condominium building or Association that includes the Operator's primary residence unit, any unit also owned in whole or in part by the Operator other than the Operator's primary residence unit.
- F. Primary Residence Unit: A Residential Unit that is the primary residence of the Operator, and is not located within a dwelling with other Residential Units; e.g. a single-family residential dwelling.
- G. Residential Unit: a dwelling unit within a dwelling that is classified as residential use and that contains at least one bedroom or sleeping area. For purposes of this Chapter, a Residential Unit shall not include any units in a hotel, motel, licensed rooming house or lodging house or licensed bed and breakfast.
- H. Short-term Rental: The rental for a fee of a Residential Unit, reserved in advance, for periodic residential occupancy for a single rental period of fewer than thirty (30) days and not exceeding in any case a cumulative total of sixty (60) days of rental within a calendar year.
- I. Short-term Rental Unit: a Residential Unit that is offered, advertised, or otherwise used for Short-term Rental.
- J. Short-term Rental Enforcement Office: the department designated by the Mayor authorized to implement, oversee, and enforce the provisions of this chapter and any other statutes, regulations, and ordinances relating to premises within the city of Revere that are advertised, listed or used as Short-term Rental.
- K. Short-term Rental Enforcement Officer: Any individual authorized by the Short-term Rental Enforcement Office to enforce the provisions of this chapter.
- L. Short-term Rental Registry: A database maintained by the Short-term Rental Enforcement Office that shall record and preserve information about Operators who are permitted to offer a Residential Units as Short-term Rental. The Short-term Rental Registry shall be maintained by the Short-term Rental Enforcement Office. A property not listed in the Short-term Rental Registry is prohibited from being offered for Short-term Rental.

8.06.030 - Applicability and Limitations.

- A. Short-term Rental shall be permitted only:
 - 1. of an Owner-adjacent Unit in an owner-occupied Condominium building. In any case where an Operator uses more than one Owner-adjacent condominium unit for Short-term rental, each such Owner-

adjacent condominium unit shall be registered separately and charged a separate fee in accordance with this Chapter. An owner-adjacent condominium unit must be rented as an entire unit at any one time to one rental party of no more than six unrelated persons comprising Short-term renters exclusive of children under 12 years of age, and the division within the unit of separate bedrooms for separate rental parties is prohibited; or

2. of an Owner-adjacent Unit in an Owner-occupied dwelling containing four or fewer residential units. In any case where an Operator uses more than one such Owner-adjacent unit for Short-term rental, each such Owner-adjacent unit shall be registered separately and charged a separate fee in accordance with this Chapter. An owner-adjacent unit must be rented as an entire unit at any one time to one rental party of no more than six unrelated persons comprising Short-term renters exclusive of children under 12 years of age, and the division within the unit of separate bedrooms for separate rental parties is prohibited; or
 3. of a Primary Residence Unit. A Primary Residence Unit offered for Short-term Rental must be rented as a whole unit at any one time to one party of no more than six unrelated persons comprising Short-term renters exclusive of children under 12 years of age, and the division within the unit of separate bedroom for separate rental parties is prohibited.
- B. Short-term Rental occupancy shall be limited to two persons per bedroom, excluding children under the age of 12 related to, or the legal ward of, either bedroom occupant.
 - C. The registration of a Short-term Rental unit shall expire in the event ownership of the unit or the property containing the unit is transferred. A new owner of such property shall be responsible to complete a new Registration process as described in section 8.06.040.
 - D. The number of individual bedrooms made available for Short-term Rental within an Owner-adjacent Unit and Primary Residence Unit shall not be greater than the number of lawful bedrooms in the dwelling unit.
 - E. No Short-term Rental may be used for the purpose of a commercial meeting and commercial use of a Short-term Rental unit is prohibited.
 - F. Sublet or sub-rental of a Short-term Rental Unit or a room or space therein is prohibited. The Renter of a Short-term Rental cannot sublet rooms or spaces in their units as Short-term Rentals or in any other manner.
 - G. Hourly rentals are prohibited.

8.06.040 - Procedure to Register Short-term Rentals.

Before any property is offered or advertised for Short-term Rental, the Operator shall:

- A. Register the property with the Short-term Rental Enforcement Office on a form provided by the Office. The application shall require:

1. The Operator's full name and address, and a telephone number (land and/or mobile) that is available 24 hours per day to renters, the Short-term Rental Enforcement Office, and public safety authorities.
 2. The name, address and telephone number (land and/or mobile) of an individual other than the Operator who shall be available in the event the Operator is unavailable, and who shall be capable to respond as soon as may be necessary to any issue or emergency that arises during a Short-term Rental.
 3. An accurate description of the area of the property that is available for Short-term Rental. [E.g. one bedroom apartment on second floor; E.g. Single family home at specified address].
 4. Documentation that the property in question is not the subject of any municipal liens and that all taxes and fees owed to the City of Revere and to the Commonwealth of Massachusetts relating to the property are paid up to date.
 5. Proof, in the form of a valid insurance binder, of liability insurance with liability limits in an amount no less than \$250,000 per incident and coverage for Short-term Rental use.
- B. Pay the annual fee of \$200.00 per Short-term Rental unit in addition to any fees as required in accordance with section 08.06.060 of this Chapter.
- C. Request the Short-term Rental Office to conduct an Inspection, which shall be completed within 21 days of date the completed application is submitted and associated fee is paid.
1. In the event a unit is approved for Short-term Rental after an inspection, the Short-term Rental Enforcement Office shall issue a Certificate of Inspection to the Applicant/Operator and the Unit shall be listed in the Registry for a period that shall expire on December 31 of the year the Certificate is issued.
 2. In the event a Short-term Rental unit is not approved after inspection, the Applicant/Owner may cure any issue that prevented approval and request a re-inspection at no additional fee.
 3. In the event any further inspection is necessary after an initial re-inspection, a fee of \$50 shall be required for each further Inspection.
- D. No property shall be included in the Short-term Rental Registry until the requirements of subsections A - C inclusive are completed and a Certificate of Inspection is issued.

8.06.050 - Requirements To Operate a Short-term Rental

- A. A Short-term Rental unit shall be registered in accordance with 8.06.040 of this Title to be lawful in the City of Revere.
- B. Residential Owner-adjacent and Primary Residence Units offered for Short-term Rental shall comply with, and shall not be in violation of, all standards and regulations promulgated by the Short-term Rental Enforcement Office and the Revere Fire Department's Office of Fire Prevention, including but not limited to, all relevant, zoning, building, sanitary, fire, and health and safety laws, regulations, and ordinances.

- C. The Operator of a Short-term Rental shall keep and maintain for a period of three years an accurate record of the names and dates of rental for each Short-term Rental and make such record available upon request from a Short-term Rental Enforcement Officer.
- D. All Short-term Rentals shall be subject to annual inspections by the Short-term Rental Enforcement Office and the Revere Fire Department's Office of Fire Prevention.
- E. Every Operator of a Short-term Rental shall provide to every Short-term Rental party a document containing the following information:
 - 1. Instructions for disposal of waste that complies with the City's recycling and trash programs.
 - 2. An emergency exit diagram for all bedrooms.
 - 3. Contact information for the Short-term Rental Operator, or when the Operator is not present, the contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period, whether from renters, neighbors or municipal authorities.
 - 4. The certificates of registration for the Short-term Rental as required by M.G.L. ch. 62C, § 67, and this Chapter (see R.R.O. 8.06.040).
 - 5. A clear and direct instruction that Short-term renters shall not disturb the peace or cause to disturb the quiet enjoyment in the neighborhood or in any way interfere with the quality of life of the community by noise or other disturbances in accordance with, but not limited to, R.R.O. 9.08.010 et seq.
- F. A Poster measuring no less than 11" wide and 14" height containing the information described in Paragraph E, 1-5, above, shall be posted in a conspicuous place in every Short-term Rental Unit.
- G. A sign measuring no less than 8.5" wide and 11" height illustrating the emergency exit shall be posted in each bedroom.

8.06.060 - Ineligible residential units.

The following Residential Units are not eligible to be offered as Short-term Rentals:

- A. Residential Units that do not meet the definition of either an Owner-adjacent Unit, or a Primary Residence Unit.
- B. Residential Units designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state or federal law.
- C. Residential Units subject to any requirement of local, state or federal law, or rule or regulation promulgated by a condominium association or homeowner association, that prohibits the leasing or subleasing of the unit or use of the unit as a Short-term Rental.
- D. Residential Units that are the subject of three (3) or more findings of violations of this chapter within a one-year period, or three (3) or more violations of any municipal ordinance or state law or code relating to health, safety, sanitary conditions, including, but not limited to, excessive

noise, improper disposal of trash, disorderly conduct or other similar conduct within a one-year period.

- E. Residential Units previously rented to a Section 8 Certificate holder or that were previously subject to any affordability covenants, unless one year has expired since the expiration of the Section 8 tenancy or affordability restriction.
- F. Any Residential Unit for which the Operator is delinquent in the payment of any local taxes, fees, assessments, betterments or municipal charges of any kind.

8.06.070 - Local excise tax and community impact fee.

A Residential Unit subject to the provisions of this Chapter shall pay all excise tax and community impact fees on Short-term Rentals as approved by the City Council pursuant to Sections 3A and 3D of Chapter 64G of the Massachusetts General Laws.

8.06.080 - Enforcement and penalties.

- A. Any person who (i) offers a unit as a Short-term Rental where such unit is not an eligible Residential Unit, (ii) offers an eligible Residential Unit as a Short-term Rental without registering such Short-term Rental Unit with ISD, or (iii) offers an eligible Residential Unit as a Short-term Rental while the unit’s registration on the Short-term Rental Registry is suspended, shall be fined \$300.00 per violation per day. Each day’s failure to comply with a notice of violation or any other Order shall constitute a separate violation. In addition to fines described in this section, the City may seek an injunction from a court of competent jurisdiction to enjoin the offering, advertising, or use of the unit as a Short-term Rental.
- B. The provisions of this Chapter shall be enforced in accordance with R.R.O Chapter 1.12, Article II, or Article III, which includes the provision of M.G.L. ch. 40U, or by seeking to restrain a violation by a court-ordered injunction.

July 27, 2020	Ordered to first reading
August 24, 2020	Ordered to a second reading as amended.
August 24, 2020	Ordered on a second reading as amended.
August 24, 2020	Ordered on a third and final reading as amended.
August 24, 2020	Ordered Engrossed and Ordained on a Roll Call: Councillors Giannino, Guinasso, McKenna, Morabito, Novoselsky, Powers, Rotondo, Serino, Visconti, Zambuto, and Council President Keefe voting “YES”. Attest: Ashley E. Melnik, City Clerk

Approved by:

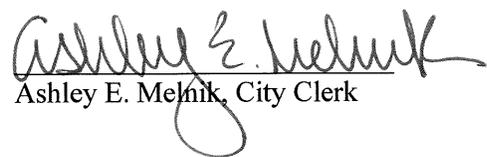


Mayor Brian M. Arrigo

9.1.2020

Date

Attest



Ashley E. Melnik, City Clerk