

Process to consider revising Lenox bylaw to reflect new online home-lodging industry:

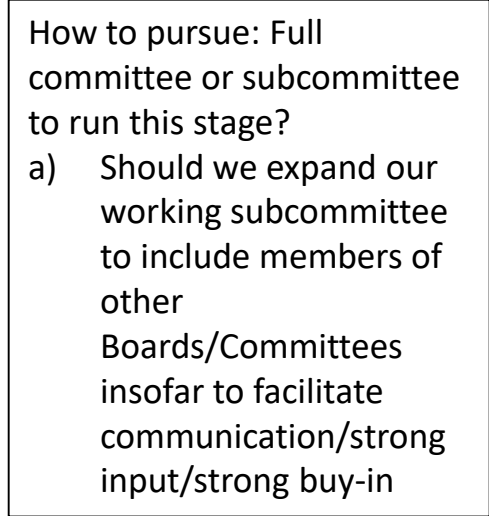


Gather

Phase 1: Reach out to the community to gather its concerns

1. Identify all stakeholders to connect with
2. Plan outreach and input required to/from each group
 - a) Identify and create materials to share with each group and to set the stage for productive info gathering
 - a) What do bylaws currently allow
 - b) Identify what we need from each group and plan to gather it in sessions
 - c) Compile findings from each group
 - d) Circle back with each group to share the initial findings reports and to get any additional feedback
3. Collect data on how our community is currently affected
 - a) Brainstorm possible effects then gather data
4. Identify regulatory issues and risks
 1. Requirements of Massachusetts building codes
5. Identify financial impacts and risks
6. Identify legal issues and risks
7. Research how other communities have been affected
8. Research how other communities have addressed the issues
9. Research what data online lodging reservation sites are able to provide
10. Capture and follow State legislative process on sales taxes

In parallel: Roll out planned communications (as required) for each step in each Phase



How to pursue: Full committee or subcommittee to run this stage?

- a) Should we expand our working subcommittee to include members of other Boards/Committees insofar to facilitate communication/strong input/strong buy-in

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Prioritize

Phase 2: Summarize and prioritize the community's key issues and concerns

1. Outline key issues, concerns, impacts
 - a) Gather additional data, as required

Act

Phase 3: Revise the Bylaws

1. Revisit research into solutions created by other communities including whether they have been successful
2. Create new bylaw and/or revise existing bylaws
 - a) In supporting communications, explain each decision
3. Legal review
4. Public hearing(s)
5. Town Meeting

In parallel: Roll out planned communications (as required) for each step in each Phase



Short Term Rental (STR) Stakeholders to Connect With

1. **Homeowner Resident STR** – Use their primary residence to make money via occasional STRs.
 - a) Remains in home, rent room(s)
 - b) Leaves home, rents entire home
 - c) Rents during Seasonal Lodging period (Memorial Day through Labor Day)
 - d) Rents throughout the year
2. **Investor Non-Resident STR** – Lives elsewhere, buy one or more properties and converts and them as fulltime STRs
3. **Neighbors**
 - a) Adjacent or near Homeowner Resident STRs
 - b) Adjacent or near Investor Non-Resident STRs
4. **Licensed Lodging Professionals** – Run B&Bs, hotels, motels, inns.
5. **Town:**
 - a) Tax revenues / Select Board, Finance Committee
 - b) Building Department
 - c) Tri-Town Health
 - d) Assessors
6. **STR Travelers** – A new generation of travelers who find benefits in staying at STRs.
7. **Local Retailers** – Benefit from any expansion in tourism made possible by more lodging options including at lower prices
 - Chamber of Commerce
8. **Cultural Anchors** – Tanglewood, theater companies and other cultural institutions that are important drivers of our tourism economy and need to rent housing from local homeowners in the summer
9. **Government Officials**
 - a) Representatives -- state legislation
 - b) Select Board -- overall reach
 - c) School Committee -- housing availability/enrollment
 - d) Financial Committee – financial implications/modeling



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MEMORANDUM

TO: Local Boards of Health and Code Enforcement Agencies

FROM: Paul Halfmann, Assistant Director, Community Sanitation Program

DATE: May 16, 2014

SUBJECT: Licensing of Online Home Rental Services

The Department of Public Health, Bureau of Environmental Health, Community Sanitation Program (hereafter, "DPH") has been asked to clarify whether online home rental services for transient occupancy, such as Airbnb (www.airbnb.com), are subject to licensure or permitting as a lodging house or bed and breakfast establishment/home or whether rooms rented through such services are not subject to licensure because they are dwelling units under Chapter II of the State Housing Code (105 CMR 410.000: *Minimum Standards of Fitness for Human Habitation, State Sanitary Code, Chapter II*).

Airbnb and similar services facilitate a connection between individuals who wish to rent out a room, several rooms, or a whole house with individuals who seek out such a rental, typically on a short term basis. The rentals are similar to traditional lodging houses or bed and breakfast establishments except that owners may only promote themselves as providing lodging through a website listing, often have not applied for or been granted a license or permit by the municipality to operate a lodging house or bed and breakfast, and may not be collecting occupancy taxes. Also, since payment is arranged through a website service, such as Airbnb, the transaction differs from the traditional innkeeper/guest relationship where payment is made directly by guests for lodging.

DPH has determined that lodging provided through Airbnb or similar online services is subject to local licensure or permitting as a lodging house or bed and breakfast in the same manner as traditional lodging houses and bed and breakfast establishments are licensed or permitted. Airbnb specifically states that: "In many cities, you must register, get a permit, or obtain a license before you list your property or accept guests." It further states that: "By accepting our Terms of Service and activating a listing, you certify that you will follow your local laws and regulations."

Current Lenox bylaw allows:

8.1. BED AND BREAKFAST ESTABLISHMENTS

8.1.1. ***Seasonal rental of rooms:*** Rental of rooms to not more than 3 people in an owner-occupied dwelling between Memorial Day and Labor Day, and weekends only through Columbus Day. The following requirements shall apply:

1. The establishment shall be limited to not more than 3 guests;
2. Rental of rooms shall be limited to Memorial Day and Labor Day, and weekends only through Columbus Day;
3. Parking must be off street, on premises, with 1 space per room rented and 1 per owner.
4. Except for a home occupation that complies with this Bylaw, no other uses shall be permitted on the property;
5. No additions or external modifications may be made to the property for lodging use; and
6. A certificate of occupancy required and premises shall be subject to annual inspection.
7. The home shall be the legal residence of the owner with lodging as an accessory use.
8. Only continental breakfast from the common family kitchen is permitted.

8.1.2. ***Bed & Breakfast Inn***

1. The establishment may provide lodging for 4 to 20 guests.
2. Parking shall be off street, on premises, with one space per room rented and one per owner.
3. Except for a home occupation that complies with this Bylaw, no other uses shall be permitted on the property;
4. There shall be no external additions to the property for lodging use;
5. External modifications for access and safety are permitted, but such modification shall be designed for minimum impact on abutters;
6. A certificate of occupancy is required and is subject to annual inspection;
7. The property must be served by town water and sewer; and
8. Except in the Commercial District, an open space not less than 20 feet wide shall be maintained along each lot line with grass bushes, flowers or trees to provide a buffer.