

Notice of Public Hearing
Proposed Amendment to New Shoreham General Ordinances
Chapter 8 Licenses, New Article: Article XII Residential Short-Term Rentals,
Sections 8-320 – 8-331

Tuesday, May 7, 2024
Town Hall, 16 Old Town Road
Block Island, RI 02807
7:00 p.m.

The New Shoreham Town Council will consider amendments to the General Ordinance Chapter 8 Licenses, New Article XII Residential Short-Term Rentals, Sections 8-320 – 8-331. **New proposed language is UNDERLINED**. The proposed language may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.

CHAPTER 8: RESIDENTIAL SHORT-TERM RENTALS

§ 8-320. LEGISLATIVE FINDINGS AND INTENT.

The Town Council of the Town of New Shoreham, Rhode Island hereby finds:

- (a) The Constitution of the State of Rhode Island, Article XIII, Section 2, grants to the Town of New Shoreham the power to “enact and amend local laws relating to its property, affairs and government” as long as such local laws are consistent with the Constitution and laws enacted by the General Assembly. This delegation of power includes the police power to enact reasonable legislation to regulate and supervise rental dwelling units in order to protect the public health, safety, and welfare.**
- (b) Short-term rentals are the rental, lease, or other contractual arrangement for the occupation or use of a dwelling unit for a term of thirty (30) days or less. Short-term rentals, if properly regulated, can bring benefits to the community, including benefitting the local economy, providing supplemental income to property owners, providing safe and quality rental units to visitors, and improving the available housing stock.**
- (c) Simultaneously, short-term rentals, if unregulated, can have negative impacts on the community. Some short-term rentals have been a source of noise, congestion, pollution, and disorderly behavior involving renters and other persons on and near the premises, as well as violations of Town ordinances, including zoning and noise ordinances, and violations of state law. Difficulty contacting owners of short-term rentals, renters exceeding the safe capacity of dwelling units, and excessive amounts of vehicles at short-term rental properties further negatively impact the community. Moreover, shorter rental stays, frequent turnover between renters, and large groups of renters are particularly disturbing in residential neighborhoods. These impacts are harmful to the public health, safety, and welfare.**
- (d) By adopting the regulations contained in this chapter, short-term rentals can have a positive**

effect on the health, safety, and welfare of the community. These regulations will mitigate the disruptive effects that unregulated short-term rentals can have on neighborhoods and the community as a whole, providing a flexible year-round housing stock that allows travelers safe accommodations while contributing to the local economy, and ensuring reasonable regulation of noise, congestion, pollution, disorderly behavior, and other violations of law.

§ 8-321.DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BEDROOM. Any room in a residential structure which is greater than 70 square feet in area, which is susceptible to present or future use as a private sleeping area and which satisfies all of the following requirements: (1) Has at least one window that meets the 4.4 square foot minimum size and all other requirements of the "Rhode Island State Building Code SBC-1 or SBC-2"; (2) Has at least one interior method of entry and egress, excluding closets and bathrooms, allowing the room to be closed off from the remainder of the residence for privacy; and (3) Is a living space that is unrestricted for year-round use. Rooms located below grade that are not recognized as bedrooms by the "Rhode Island State Building Code SBC-1 or SBC-2" are not recognized as bedrooms under this ordinance. Further, see § 8-326(b) for the calculation of a dwelling unit's number of bedrooms.

DWELLING UNIT. A structure or portion thereof providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.

LOCAL REPRESENTATIVE. A person designated on a Registration Form filed under this chapter as the person authorized to receive any process, notice, or demand required or permitted to be served upon the owner of the premises. Said individual shall be physically present in New Shoreham during short-term rental periods, or be a property manager with a physically staffed office in New Shoreham.

REGISTRAR. The Town of New Shoreham Zoning Official or his/her designee.

RENTER. Any and all individuals occupying a dwelling unit under the terms of a short-term rental arrangement, including any and all guests of renters.

SHORT-TERM RENTAL. The rental, lease, or other contractual arrangement for the occupation or use of a dwelling unit for a term of thirty (30) days or less.

§ 8-322.APPLICABILITY.

The provisions of this chapter shall apply to all rental dwelling units within the Town of New Shoreham except (1) hotels and rooming houses, (2) group homes, community residences, and family day care homes, and (3) licensed Rental Rooms (see Town Zoning Ordinance § 509).

§ 8-323.REGISTRATION AND INSPECTION.

- (a) All dwelling units which are let, leased, rented, or otherwise occupied, in whole or in part, by a renter for rental and/or dwelling purposes for a period of thirty (30) days or less under a short-term rental shall be registered by the owner with the Registrar before any renter occupies the premises.
- (b) Each dwelling unit shall be registered annually.
- (c) On or before December 31st of each year, the owner of the dwelling unit shall file a completed Registration Form with the Registrar, along with the filing fee. Registrations, once issued, shall be valid for a one-year period from January 1st to December 31st of the following year. If the dwelling unit is registered during the calendar year, the registration shall be valid until December 31st of that same year.
- (d) The Registrar shall only accept completed Registration Forms, containing all of the information required by § 8-324 and, if required, § 8-326.
- (e) Upon registration, the dwelling unit shall be subject to inspection by the Zoning Official and/or Fire Chief, or their designees. The occurrence of inspections shall be within the discretion of said officials. The purpose of inspections is to determine the occupancy limit of the dwelling unit pursuant to § 8-326 of this chapter and to determine if smoke and carbon monoxide/dioxide detectors are installed.
- (f) Upon registration, the Registrar shall issue a “Registration Number” to the owner for inclusion in all public rental postings (i.e.: AirBnB, VRBO, rental websites, advertisements, etc.) for the dwelling unit.

§ 8-324.REGISTRATION FORM.

The Registration Form shall contain the following:

- (a) Street address of the dwelling unit, including plat and lot number, and fire number;
- (b) Total number of bedrooms within the dwelling unit (calculated according to § 8-326);
- (c) Occupancy limit of the dwelling unit (calculated according to § 8-326);
- (d) Name, mailing address, and telephone number of the owner;
- (e) Name, mailing address, and telephone number of the local representative (if different from the owner); and
- (f) Certification by the owner that the dwelling unit (1) is equipped with smoke and carbon monoxide/dioxide detectors, (2) has adequate parking available, and (3) all rental housing taxes for the dwelling unit have been paid.

§ 8-325.FEE.

The fee for registration of each dwelling unit under this chapter shall be set by the town council and kept on file with the town clerk. Said fee shall not be pro-rated for registrations during the calendar year. Said fee is necessary to offset the cost of implementing and overseeing compliance with this chapter.

§ 8-326.OCCUPANCY LOCATION, LIMITS, AND OTHER REQUIREMENTS.

- (a) Short-term rentals are only permitted in a dwelling unit, or a portion thereof, by renter(s) or occupant(s) for residential purposes. No provision in this chapter shall be construed as permitting short-term rentals where said rental is prohibited by zoning ordinance or other applicable law.
- (b) The maximum occupancy for the dwelling unit shall be two (2) persons per bedroom. The number of bedrooms shall not exceed the number of bedrooms supported by the design load of the property's septic system (on-site wastewater treatment system, or "OWTS"), if any. If requested by the Registrar, the owner shall provide records and/or information that the Registrar deems reasonably sufficient to determine the number of bedrooms and the number of bedrooms for which the OWTS is rated. For the purpose of calculating occupancy, a person is defined as an individual who is at least three (3) years of age.

§ 8-327.OWNER'S OBLIGATIONS.

- (a) Notice to Renters. All short-term rental agreements shall state that the renter may be held legally responsible for any violations of law committed by the renter or by other occupants or guests while at the premises, including violations of the laws and ordinances pertaining to noise, disorderly conduct, disturbance of the peace, appropriately managing pets, parking, and dwelling occupancy limits.
- (b) Renter's Information. The owner and/or local representative shall obtain accurate and up-to-date information, including the names, home addresses, and phone numbers of the renters, the date of the rental period, and the model, year, color and vehicle registration of all motor vehicles used by such renters. The owner and/or local representative shall maintain this information throughout the term of the short-term rental and for ninety (90) days thereafter, and shall make this information available to Town officials who are lawfully investigating or prosecuting any offense reasonably believed to involve one or more of the renters.
- (c) Posting of Information. The owner shall post, in plain view and in a conspicuous place within the dwelling unit, a notice, in a form to be compiled by the Town and made available upon request by the Office of the Registrar, containing:
 - a. A web address where relevant information, as determined by the town council, may be posed online, including, relevant ordinances related to short-term rentals, noise, parking, open containers, and dog restraints;
 - b. The maximum number of occupants permitted to stay in the dwelling unit and notice that failure to conform to the occupancy limit is a violation of this chapter and is subject to a fine of up to \$ 200.00 per day;

- c. The street address of the dwelling unit;
- d. The fire number, which shall also be posted in a conspicuous place outside of the dwelling unit;
- e. The number of and location of smoke and carbon monoxide/dioxide detectors;
- f. The name and telephone number of the local representative or owner; and
- g. The telephone number for the New Shoreham Police Department.

(d) Public Rental Postings. A valid Registration Number shall be included in all public rental postings (i.e.: AirBnB, VRBO, rental websites, other rental advertisements, etc.) for the dwelling unit. Further, said public rental posting shall not advertise occupant capacity beyond that permitted by this chapter.

§ 8-328. RENTERS' OBLIGATIONS.

Renters under a short-term rental, may be held legally responsible, subject to the penalties contained in §8-330, for any violations of law committed by the renter or the renter's guests while at the premises, including violations of any provisions of this chapter and/or any applicable town ordinance or state law.

§ 8-329.LOCAL REPRESENTATIVE.

- (a) The owner shall designate on the Registration Form an individual who shall be physically present in New Shoreham during short-term rental periods, or a property manager with a physically staffed office in New Shoreham, as the owner's local representative, who shall be authorized to receive any process, notice, or demand required or permitted to be served upon the owner of the premises. The owner may be designated as the local representative, if he or she is physically present in New Shoreham during short-term rental periods.
- (b) The local representative must be authorized by the owner to respond to renter and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the use of the dwelling for short-term rentals. The local representative shall respond to inquiries from town officials, including, but not limited to the police department, promptly, but in no event longer than two (2) hours from the time of inquiry, to ensure that the use of the dwelling unit complies with the requirements of this chapter, as well as all other town ordinances and state laws.
- (c) The failure of the local representative to respond to inquiries from town officials promptly (as set forth in subsection "b") more than once during the term of the annual registration shall be considered a violation of this chapter.
- (d) The owner may change the designation of the local representative from time to time by filing an amended Registration Form including the name, address, and telephone number of the new local representative. Failure to notify the town of any change in the local representative shall constitute a violation of this chapter.

§ 8-330.ENFORCEMENT; PENALTY FOR VIOLATIONS.

- (a) Violation of any provision of this chapter shall constitute a violation subject to the penalties in this section.
- (b) Violations shall be enforceable through issuance of a citation by either the police department or the zoning official. Citations may be served in person, by regular mail, postage prepaid, or by electronic mail to the owner or local representative.
- (c) The owner, renters, and/or renter's guests shall be liable for compliance with this chapter, including, but not limited to, rental term limits, occupancy limits, and other requirements.
- (d) Violations shall be heard and adjudicated by the Town of New Shoreham Warden's Court.
- (e) Any violation of the provisions of this chapter shall be subject to a fine of not more than \$200.00 per day for each day the violation continues.

§ 8-331.IMPLEMENTATION.

This chapter shall take effect upon passage, provided, however, that enforcement of violations shall be stayed until January 1, 2025.

Posted: February 22, 2024
Hearing: March 20, 2024
Continued: May 7, 2024
Adopted:
Effective:
Posted:

Attest: Millicent Highet, MMC
Town Clerk