

PROPOSED AMENDMENTS TO SHORT TERM RENTAL ORDINANCE
REFLECTING COMMITTEE FEEDBACK
OCTOBER 24, 2018

Chapter 6. Article VI. Residential Rental Unit Registration Requirements

SECTION	MAYOR/COOK AMENDMENT	REASON	COOK AMENDMENT	REASON	RAY AMENDMENT	REASON	STAFF AMENDMENT	REASON
6-150 Purpose	Adds language to the purpose section regarding removal of long-term units; short-term rental units being lodging, and causing disruptions; ensuring that housing units remain available; and ensuring that residential areas are not unduly disrupted.						Adds language to the purpose section consistent with the Mayor/Cook Amendment, with the exception of the characterization of short term rentals as lodging.	The Mayor/Cook Amendment captures City concerns with respect to the housing marking and disruption of neighborhoods. The characterization of short term rentals as lodging is inconsistent with Ch. 14.
6-150.1 Definitions	Clarifies that definition of Owner-Occupied does not include accessory apartments.						Retains intent of Mayor/Cook Amendment with respect to accessory apartments, with minor changes for clarity.	Accessory apartments are currently understood to be separate dwelling units, but additional clarification is appropriate.

Language incorporated into the Consent Amendment is highlighted in **RED**.

Language that was deleted or modified by agreement is shown as a ~~STRIKETHROUGH~~.

Remaining language is for further discussion by Committee.

6-150.1 Definitions					Adds definition for "Short Term Property Manager"	To limit the number of properties that can be managed by one individual/entity in Section 6-153.(d) below		
6-151(a)(3) Registration of Ownership			Add language clarifying that new owners and tenants are considered new applicants.					
6-151(c)(2)(a) 6-151(c)(2)(b) Registration of Ownership			Adds requirement that owner or tenant produce two forms of documentation to verify primary residence in order to register owner- occupied or tenant-occupied unit.				Adds requirements for primary residence verification similar to Cook Amendment, but requires only one form of verification and allows staff to use discretion in accepting alternative documentation.	One form of verification is sufficient to accomplish the goals of verification. Allowing alternative forms of verification is important, particularly for individuals who may not have the specific documentation required.

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<p>6-151(c)(4) [NEW] Registration of Ownership</p>			<p>Requires that an applicant in a residence with a condo or homeowner's association <u>attest produce an affidavit attesting that the short term use is allowed.</u></p>					
<p>6-151(c)(5)(a) [NEW] Registration of Ownership</p>			<p>Requires applicants renewing their applications disclose the number of nights that the unit was rented on a STR basis in the previous year.</p>					
<p>6-151(c)(5)(b) [NEW] Registration of Ownership</p>			<p>Requires applicants renewing their applications show proof that State of Maine lodging taxes were paid.</p>					
<p>6-151(f) [NEW] Registration of Ownership</p>			<p>Require that short term rental information be made available online</p>					

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6-152(c) Registration Fees	Deletes language around how to calculate fees for those who register both owner-occupied and non-owner occupied.				Clarifies language around how to calculate fees for those who register both owner-occupied and non-owner occupied.		Adds clarifying language consistent with the Ray amendment regarding calculating fees.	Adds simplicity and clarity.
							Adds language that owners and tenants may rent multiple units (bedrooms, separate spaces, etc.) in their primary residence.	Allows owners and tenants to rent out multiple spaces in their primary residence.
	Eliminates language around single family homes and owner occupied multi-family buildings. Removes distinction for Island rentals, such that all non-owner occupied units are subject to the same fees.				Eliminates language around single family homes/owner-occupied multi-family buildings	To simplify language and allow for a simplification of the fee structure	Deletes staggered fee structure for owner-occupied units and Island units. Clarifies that fees for fourth and fifth non-owner occupied units are available only for grandfathered units.	Simplifies the fee structure for owner-occupied, tenant-occupied and island units. Reflects staff suggestion that no individual be allowed to register more than 3 units, unless otherwise grandfathered.

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<p>6-153 (b) Limitations</p>					<p>Keeps the cap at 300</p>	<p>To ensure that the number of non-owner occupied STRs in the City remains below 1% of our overall number of housing units, thereby reducing their impact on the housing market</p>		
					<p>Adds language specifying that non-owner occupied units in owner-occupied buildings shall be regulated as non-owner occupied units</p>	<p>To ensure that we are meeting the original intent of the 300 unit cap, as expressed above.</p>	<p>Adds language consistent with Ray amendment to clarify treatment of non-owner occupied units in an owner-occupied building.</p>	<p>Brings non-owner occupied units in owner-occupied buildings within 300 cap.</p>

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6-153(c) Limitations	As of 12/1/18 individuals may only register one Island STR. As of 12/1/18 individuals may only register owner-occupied or tenant-occupied units. “Grandfathers” registered island and non-owner occupied units if they renew and continue to comply with requirements.							
							Reduces the number of units an individual may register from five to three. Grandfathers registrants who have four or five registrations as of 12/1/18 with respect to those units.	Staff recommends this as a way to reduce the number of units that an individual can register.

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<p>6-153 (d) [NEW - RAY] Limitations</p>					<p>Adds language limiting the number of STRs that may be managed by a single individual or entity.</p>	<p>To discourage large property management companies from moving into the STR management business and marketing their services to owners who may not otherwise consider converting from LTR to STR</p>		
<p>6-153(e) [MAYOR/COOK] 6-153(f) [RAY] Limitations</p>					<p>Adds “mainland”</p>	<p>To ensure Island rentals are not affected by the chart change</p>	<p>Consistent with Ray amendment.</p>	<p>The islands have historical use of STRs, and staff does not recommend further restrictions.</p>
	<p>Eliminates owner-occupied column in chart limiting number of STRs per building.</p>				<p>Eliminates tiered approach to number of units allowed in multi-unit buildings, bringing number allowed in owner-occupied units in alignment with number allowed in non-owner occupied units</p>	<p>To ensure that the number of STR units in a building remains proportional to the number of LTR units in the building, and to ensure that no building can ever be completely composed of STR units</p>	<p>Eliminates owner-occupied column consistent with Mayor/Cook and Ray amendments, BUT title change applies limits only to non-owner occupied units. ALSO reduces the number of STR units in a 6+ unit building to reflect reduction in</p>	<p>This changes the limitations so that they only apply to non-owner occupied units. This allows a tenant or owner to STR multiple spaces in their primary residence, subject to the three-unit overall cap.</p>

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							number of units an individual can register.	
	Removes exception for owner-occupied and tenant-occupied units in counter per-building limit.				Also adds language clarifying that tenant occupied and owner occupied STR units DO count toward the number of STR units in a building	Again, to make sure that no multi-unit can ever be comprised of solely STR units and that the number of STRs remain proportional to the number of LTRs in a multi-unit.	Removes language consistent with Mayor/Cook amendment.	While staff recommends removing this language, the title change in the chart makes it so that the limits only apply to non-owner occupied units.
6-153 (f) [NEW] [MAYOR/COOK] Limitations	Requires that Building Authority hold hearing before renewing where more than two complaints or disturbances are filed in one year.							
6-154 Allocations of Short Term Rentals					Eliminates language about lottery	To ensure that if/when space becomes available under the cap, the waitlist is used to allow the “next person in line” the opportunity to take that space	Clarifies that lottery is only to be used with respect to the waitlist.	Gives the City Manager discretion in how to allocate registrations off the waitlist.

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					Added renewal language	To allow for auto-renewal of units.	Consistent with Ray amendment.	
	Allocates 300 cap first to renewal applications, and then to new applications if cap is not reached.				Added language to clarify what will happen if counting non-owner occupied STRS in owner-occupied buildings toward the cap causes us to exceed the cap	To respect STR operators who legitimately registered their units in 2017 while also keeping our cap at 300, even if we have to get back to it through attrition	Consistent with Ray amendment. **Staff will request that this deadline be postponed until February 1, 2019 to allow for this year's registrations.	
	ALTERNATIVE: Delete language regarding cap if only allowing owner-occupied and tenant-occupied.							
6-155(e) Violations	Specifies that failure to acquire or display registration number is a violation.						Consistent with Mayor/Cook Amendment.	
6-156(c) Enforcement	Increases period of disqualification for a disorderly house from 12 months to 36 months.							

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6-156(e) Enforcement	Provides that violations of Article are grounds to deny an application.						Consistent with Mayor/Cook Amendment.	
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