

**TOWN OF WOLFEBORO
PLANNING BOARD**

SHORT TERM RENTAL SUBCOMMITTEE

MINUTES

February 24th, 2020

Members Present: Kathy Barnard, Chairman, John Thurston, Susan Repplier, Peter Cooke, Geordy Hutchinson, Cindy Melanson, Paul O'Brien

Members Absent: None.

Staff Present: Matt Sullivan, Director of Planning and Development

I. Call To Order

Chairman Barnard opened the meeting at 8:30AM at the Planning Annex Conference Room in Wolfeboro Town Hall.

II. Introduction of Subcommittee Members

All members introduced themselves to one another.

III. Approval of Minutes

Being the first meeting of the Committee, there were no meeting minutes for consideration. Kathy Barnard noted that meeting minutes will be taken for each meeting, and subject to the approval and amendment of the Committee.

IV. Public Comment

There were no members of the public present.

V. Review Committee 'Ground Rules' and Information Repository

Kathy Barnard reviewed a proposed meeting frequency of every three (3) weeks. She noted that the Committee is charged with looking at the issues and make a determination or recommendation on what, if any action to take, with a goal of reporting to the Planning Board and potentially, Board of Selectmen, later in 2020.

Matt Sullivan reviewed the open meetings policy under New Hampshire RSA 91-A regarding minutes of meetings, agendas, and timeliness. All information will compiled digitally in the public Committee Workspace here: <https://drive.google.com/drive/folders/1xRs6zFYY9TmJHzMXeEw9vL7As-FwDh6z?usp=sharing> Matt will distribute the link to the drive after the meeting in order to ensure transparency and accessibility for members of the public. All documents or information should be sent through Matt, who will then distribute materials to membership directly. **If any members need training on the Google Drive system, Matt will review it with them and distribute a guide.**

VI. Review/Discussion Draft Committee Purpose Statement

Kathy Barnard reviewed the Draft Committee Purpose Statement, dated January 27th, 2020. Peter Cooke requested clarification on "Town" vs. "town" in the purpose statement. It was clarified that both should be included. Peter Cooke noted that making recommendations to the Planning Board and Board of Selectmen, though considered to be within the scope of the committee, is not included in the Purpose Statement as presented. **The Subcommittee agreed by consensus to include that in a revised Purpose Statement to be provided to the Committee.**

VII. Distribute Active State Legislation

Matt Sullivan reviewed the provisions of the proposed Senate Bill 458, sponsored by Senator Jeb Bradley, from Wolfeboro. Generally, the proposed legislation does the following: Prohibits certain legislative bodies from prohibiting short-term rentals, permits municipalities to make bylaws regulating disorderly houses, and establishes requirements for bylaws regulating disorderly houses. (*Bill text included as attachment to minutes*)

Peter Cooke requested clarification about the bill's status. Matt Sullivan stated that it is currently in the Election Law and Municipal Affairs Committee. The last hearing on the bill was February 5th. It does not appear that the Bill is on the March 11th or 12th Committee agenda.

Paul O'Brien asked if the Senator has asked the Town of Wolfeboro or any other community to comment on the Bill. Matt Sullivan responded that he have not been asked to weigh in on the issue to his knowledge.

It may at a later time be appropriate to draft a letter regarding the issue, but after study of the matter. It would be premature to assume the Committee's position has been agreed upon. At that time, ultimately the Committee could draft a letter, subject to the Planning Board's review, regarding the Bill. Paul O'Brien added that it is important to understand the reasoning behind Senator Bradley's sponsorship of the bill.

The Committee requested that Matt Sullivan/Geordy Hutchinson contact Senator Bradley to request more information about the justification for the proposed legislation.

VIII. Discuss Public Outreach Strategy

Matt Sullivan reviewed the Town of Meredith's Short Term Rental Survey (https://www.meredithnh.org/sites/meredithnh/files/uploads/str_survey_final_9.13.19.pdf). All survey results are posted online (<https://drive.google.com/drive/folders/1AmSICf5nOrAuMypsSbJ7tDqwHK1ZBjMc>), though it is not clear whether a policy action has been taken. He asked the Committee to provide their opinion on doing a broader community survey to collect quantifiable preference data in addition to a larger public event.

Peter Cooke stated that it would be important to give those who may not typically engage with the traditional process an opportunity to weigh in on the issue. The survey could be shared via the tax bills or other means.

Paul O'Brien stated that it is important to know what information the Committee is seeking before compiling and distributing a survey.

John Thurston asked for input on who the stakeholders are for this issue. He noted that he has concern over non-taxpayers making decisions on behalf of property owners and those that do pay taxes. Peter Cooke added that it is important to include those who are renters, but may not be paying a tax bill directly nor property owners. They are also impacted by increased conversion to short term rentals. Cindy Melanson that the Committee needs to review the impact of short term rentals on availability of affordable housing. Geordy Hutchinson stated that those who do not own property or pay taxes in Wolfeboro are not direct stakeholders in his opinion.

Matt Sullivan offered that after the exercise to identify issues and benefits at the second meeting, the Committee can then work to identify appropriate questions. He will then provide a draft survey to the Committee for their review and they can decide what action to take.

Matt Sullivan asked if the Committee sees value in a "Forum" style event. He suggested that the Committee should identify what it would like to collect for input and then decide how to proceed. The Committee agreed to discuss the potential for a Forum at a later time.

Matt Sullivan asked if there are any specific stakeholders, outside of the ex-officio members of the Committee, which include the Code Enforcement Officer, Fire Department, Police Department, that the Committee would like to request attendance of at a meeting.

The Committee briefly discussed NH Department of Environmental Services feedback on septic 'over-taxing' and agreed to focus more on the Fire Code occupant load issues (and enforcement) rather than environmental

issues, at this point in the process. It is also critical to discuss the financial impact to the tax payer to support enforcement and implementation of additional regulation that Committee may recommend.

Paul O'Brien asked if property owners renting through various platforms are required to demonstrate compliance with fire and other life safety codes when signing an agreement with rental agencies or platforms. Susan Repplier stated that you are required to "check a box" that acknowledges that you are in compliance, but there is no confirmation or auditing of that system by the platforms and the owner ultimately assumes liability.

Peter Cooke added that he would like to hear from neighborhood associations about how they are modifying bylaws to address challenges associated with short term rentals.

Paul O'Brien asked if neighborhood associations can be more restrictive than State statute. The Committee responded in the affirmative. Matt Sullivan added that the Town has been asked to enforce more restrictive bylaws and covenants from associations, and they cannot.

The Committee agreed to request multiple associations be invited to join the Committee at a later meeting to discuss their work on the issues. The Committee estimated that there are approximately fifty (50) associations in town, each with their own standards and rules.

Geordy Hutchinson added that engaging the NH Department of Revenue Administration may be important. A discussion regarding the remittance of the NH Room and Meals Tax to the municipality and its use ensued.

Paul O'Brien asked for more clarity on the questions that will be asked of both Police and Fire. Matt Sullivan stated that Police will be asked to weigh in on the criminal proceedings. Fire will provide input on occupant loading issues. John Thurston requested that Matt Sullivan seek clarification on the proposed language within SB458 relative to RSA 595-B and the proposed exemption as follows:

II.(a) The state fire marshal, the state fire marshal's authorized officers, or fire chief upon complaint or whenever the state fire marshal, such authorized officers, or fire chief shall deem it necessary, may inspect all buildings, excluding single family dwellings and multi-unit dwellings containing 2 units, and premises within their jurisdiction and, if consent for such inspection is denied or unobtainable, may obtain an administrative inspection warrant under RSA 595-B. Such exclusion shall not apply to that part of any single family or multi-unit dwelling that is used as a vacation rental or short-term rental as those terms are defined in RSA 674:16, VI. Inspections of rentals may only be made to items defined in RSA 153:10-a, I, smoke and carbon monoxide detectors, and inspections shall not be made for any other reasons. No official conducting such an inspection may utilize information gathered in an inspection of a single-family residence or multi-unit dwelling not related to adequate smoke and carbon monoxide detectors to impose a fine, violation, or other penalty, including a cease and desist order.

Peter Cooke requested that any available data related to the impact of short term rentals on affordable housing be provided to the Committee. The Committee discussed the impact of affordable housing availability on the community and the relationship to short term rentals and the town's economy. Matt Sullivan will follow up with New Hampshire Housing Finance Authority.

IX. Discussion of Subsequent Meeting Agendas

Matt Sullivan reviewed the second meeting agenda, which will be an open discussion of about 90 minutes on the benefits and challenges related to short term rentals, with some potential discussion of specific survey questions.

The next meeting of the Committee will be March 16th, 2020 at 8AM in the Town Hall Annex Conference Room.

The third meeting will be Police and Fire Departments, which will be approximately three (3) weeks after the 16th.

Paul O'Brien asked if the Economic Development Committee has documented any of this information. Matt Sullivan responded that the Committee has not weighed in.

The Committee agreed to ask Geordy Hutchinson to reach out to Senator Bradley to request his attendance at the March 16th meeting to discuss SB 458.

X. **Communications & Miscellaneous**

None.

XI. **Adjournment**

The meeting adjourned at 9:38AM.

Respectfully Submitted,

Matt Sullivan

Director of Planning and Development

*****Please note these minutes are subject to amendments and approval at a later date. *****

SB 458 - AS INTRODUCED

2020 SESSION

20-2847

06/10

SENATE BILL **458**

AN ACT relative to municipal regulation of vacation or short-term rentals.

SPONSORS: Sen. Bradley, Dist 3; Sen. French, Dist 7; Sen. D'Allesandro, Dist 20

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill:

- I. Prohibits certain legislative bodies from prohibiting short-term rentals.
- II. Permits municipalities to make bylaws regulating disorderly houses.
- III. Establishes requirements for bylaws regulating disorderly houses.

Explanation: Matter added to current law appears in ***bold italics***.Matter removed from current law appears ~~[in brackets and struck through.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

20-2847

06/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to municipal regulation of vacation or short-term rentals.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraph; Zoning Ordinance; Grant of Power. Amend RSA 674:16 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any other provision of this statute, the local legislative body of a city, town or county in which there are located unincorporated towns or unorganized places, shall not prohibit the use of a building or structure as a vacation rental or short-term rental and shall not regulate the use of such structure or building as a vacation or short-term rental based on the structure or building's classification, use or occupancy. "Vacation rental" or "short-term rental" means any single-family building or structure or one-to-four-family building or

structure, regardless of how it is owned or occupied and regardless of whether the building or structure is conforming or non-conforming, offered in whole or in part for rental or transient use. "Vacation rental" or "short-term rental" shall not mean and shall not include any nonresidential use, including, but not limited to, retail, restaurant, banquet, event hosting or other similar nonresidential uses.

2 New Section; Powers of Towns; Ordinances; Short-term Rentals. Amend RSA 31 by inserting after section 103-a the following new section:

31:103-b Short-term Rentals.

I. A municipality may establish an ordinance requiring an owner of residential property who wishes to utilize the property for a vacation rental or short-term rental, as those terms are defined in RSA 674:16, VI, to file, within 30 days of advertising such rental, a statement with the town or city clerk of the municipality in which the property is located providing the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner relating to the rental property. Such person may be the owner of the property. A municipality may establish a fee of no more than \$50 to cover the cost to the town or city clerk of maintaining a record of the filings. No municipality shall make the registration of such a rental contingent upon an inspection of the property, unless there is reasonable suspicion that the property is in violation of any provisions of RSA 48-A:14. The municipality may obtain an administrative inspection warrant under RSA 595-B if the property owner denies the municipal official entry. A municipality may not charge a fee or registration for any other purpose. A municipality may only rescind a registration if the property has more than 3 disorderly events under RSA 31:39. Such property may be barred from being used as a short-term rental for no more than 3 months.

II. A municipality may establish an ordinance to require the owner of residential property who wishes to utilize the property for a vacation rental or short-term rental, as those terms are defined in RSA 674:16, VI, to post in a clearly visible location or provide directly to each individual renting the property, written information related to proper exit information in case of a fire.

3 Fire Safety Measures. Amend RSA 153:14, II(a) to read as follows:

II.(a) The state fire marshal, the state fire marshal's authorized officers, or fire chief upon complaint or whenever the state fire marshal, such authorized officers, or fire chief shall deem it necessary, may inspect all buildings, excluding single family dwellings and multi-unit dwellings containing 2 units, and premises within their jurisdiction and, if consent for such inspection is denied or unobtainable, may obtain an administrative inspection warrant under RSA 595-B. ***Such exclusion shall not apply to that part of any single family or multi-unit dwelling that is used as a vacation rental or short-term rental as those terms are defined in RSA 674:16, VI. Inspections of rentals may only be made to items defined in RSA 153:10-a, I, smoke and carbon monoxide detectors, and inspections shall not be made for any other reasons. No official conducting such an inspection may utilize information gathered in an inspection of a single-family residence or multi-unit dwelling not related to adequate smoke and carbon monoxide detectors to impose a fine, violation, or other penalty, including a cease and desist order.*** Whenever any of the said officers shall find any condition that such officer deems to be hazardous to life or property, the officer shall order the hazardous condition to be removed or remedied by written order. If such order requires a structural change or alteration, it shall be approved by the state fire marshal or fire chief before it is effective. Such order shall be complied with by the owner of such premises or buildings within the time limit specified in such order, provided,

however, that any such owner, who is aggrieved by any such order, may, within 14 days after the service of such order as hereinafter provided, file a petition with the superior court, praying for a review of such order. It shall be the duty of such court to hear the same at the first convenient day, and to make such order in the premises as right and justice may require.

4 New Subparagraph. Amend RSA 31:39, I by inserting after subparagraph (p) the following new subparagraph:

(q) Regulating disorderly houses, provided that, in any such bylaw:

(1) Multiple calls to a single building that occur within a 12-hour period shall be deemed a single disorderly event. Whenever the police department responds to a disorderly event, the owner shall be notified as follows:

(A) No later than 5 calendar days after the first disorderly event, the police department may deliver by hand or first class mail a copy of the bylaw and a notice advising the owner that the police department has responded to a disorderly event.

(B) No later than 5 calendar days after the second disorderly event, the police department may deliver by hand or first class mail a copy of the bylaw and a notice advising the owner that the police department has responded to a second disorderly event. The owner of the disorderly house may be subject to a fine of up to \$500. The owner or his or her representative, designated in writing, shall meet with the chief of police, or designee, within 10 days of the date of the written notification, or at such other time as agreed by the chief of police, to identify ways to prevent future disorderly events. If this meeting occurs within the agreed time period, the fine shall be waived.

(C) No later than 5 calendar days after the third disorderly event, the police department may deliver by hand or first class mail a notice advising the owner that the police department has responded to a third disorderly event. The owner of the disorderly house may be subject to a fine of up to \$1,000.

(2) This section shall not apply if the occupant creating the disorderly event is a tenant as defined in RSA 540:1-a.

(3) In this subparagraph, "disorderly houses" mean houses in which the activity of a building's owner, occupants, or tenants, or the invitees of an owner, tenant or occupant violates an existing municipal ordinance.

5 Effective Date. This act shall take effect January 1, 2021.