

Proposed Short-Term Rentals Zoning Language 01/20/2022 Public Hearing

Article #2 (To vote by official ballot):

Are you in favor of the adoption of Amendment No. 1 as proposed by the planning board to allow Short-term Rentals in all districts if the owner obtains a conditional use permit to ensure life safety and water quality protections are met. Short-term rentals will be allowed for a maximum of ninety (90) days in a calendar year.

Article X Short-Term Rentals (STR)

X.1 Purpose

X.1.1 To preserve the traditional character of residential neighborhoods that can be negatively affected by this use.

X.1.2 To protect water quality where an STR is in the shorefront district

X.1.3 To help preserve the quality and quantity of the housing stock for year-round residential use.

X.1.4 To ensure the safety of Short-Term Rental occupants.

X.2 Districts

X.2.1 STRs will be allowed as a permitted use in all districts.

X.2.2 The permitting process will include notice to abutters by first class mail within five days of acting on an application.

X-3 Permit Application Procedure: A conditional use permit as defined in RSA 674:21-II is required for all STRs

X.3.1 Obtaining a permit

X.3.1.1 Any owner of record of property in Freedom may apply for a conditional use permit to use their primary dwelling as an STR

X.3.1.2 All STR owners shall apply for and obtain a conditional use permit from the Freedom Select Board or their designee. The fee for the permit shall be set by the Select Board

X.3.1.3 Permit applications are available at the town of Freedom website (townoffreedom.net) or by request to the town office (603-539-6323). Only completed applications will be processed.

X.3.1.4 Upon receipt of an application for a Short-Term Rental Conditional Use Permit, the Board of Selectmen shall forward the application to the Freedom Planning Board, which shall place the application on the agenda for its next meeting. The Planning Board shall review the application and shall provide the Board of Selectmen with written comments on the application. The Planning Board is not required to hold a public hearing on its review of the STR application.

X.3.1.5 The permit shall be valid for one year and will run from January 1 to December 31. A permit issued during the year will expire on December 31. To allow sufficient processing time, applications for permit renewals for subsequent years shall be submitted by September 30 of the current year.

X.3.1.6 Permits are not transferable. If the property is sold, the new owner shall obtain a permit before any STR occur on the property.

X.3.2 Application Submissions:

The application will be approved or denied by the Board of Selectmen using the following criteria:

X.3.2.1 **The owner of a proposed STR unit shall provide 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 of the property.

- X.3.2.2 As part of the application process, the owner of the STR unit must sign an Affidavit and provide photographs which shall certify the following:**
- i. Smoke/CO detectors are installed in areas defined by the NH State Fire Code and NH State Building Code and are functioning.**
 - ii. Windows and/or doors designated for emergency egress are maintained and in operational order.**
 - iii. No basement space shall be used as a sleeping area unless there are two means of egress that are properly sized windows and/or doors conforming to the NH State Fire Code and NH State Building Code.**
 - iv. A functional fire extinguisher is visibly installed in any kitchen area.**
 - v. The maximum number of people that the dwelling unit can be advertised for in any published listing or other form of marketing, shall be two (2) people for each bedroom listed on the NH DES Septic approval (to be provided) plus two (2) additional people. In instances where there is no valid subsurface system operational approval on file with NH DES, owners shall certify that the existing system is not in failure (RSA 485-A:2 IV) and adequate by providing a current complete written evaluation and certification signed by a NH certified or licensed septic system evaluator. The town shall confirm the number of bedrooms each septic system will support.**
 - vi. All vehicles shall be parked on the property and in designated parking areas.**
 - vii. Attest to the statement: the attached photographs are true and accurate depictions of the current condition of the dwelling unit to be rented.**
- ~~X.3.2.1 The fire department will conduct an inspection to ensure that all NFPA life safety requirements are met, including but not limited to sufficient means of egress, fire extinguishers, smoke and carbon monoxide detectors, exit lighting. The fire chief or his deputy shall provide an inspection report to the BOS. Any deficiencies shall be remedied before the application shall be considered complete.~~
- ~~X.3.2.2 The applicant shall provide a copy of the septic approval from the NH Department of Environmental Services Sub-Surface Division and proof from a DES-licensed septic technician that the septic system has been pumped and checked within 2 years of the application date. In instances where there is no valid subsurface system operational approval on file with NH DES, owners shall certify that the existing system is not in failure (RSA 485-A:2 IV) and adequate by providing a current complete written evaluation and certification signed by a NH certified or licensed septic system evaluator. The town shall confirm the number of bedrooms each septic system will support.~~
- ~~X.3.2.3 The applicant shall provide a building inspection showing the rental residence conducted by a professional is in compliance with the building code adopted by the town of Freedom.~~
- X.3.3 Property Owner Responsibilities
- X.3.3.1 Complete the application **and affidavit** fully, with no false or misleading statements
 - X.3.3.2 Meet all of the standards listed in section X.6 of this article
- X.4 Grounds for Denial, Imposition of Penalties, Suspension or Revocation of Permits
- X.4.1 Incomplete, false, or misleading statements on the application **or affidavit**
 - X.4.2 Violation of any standards set forth in section X.6

- X.4.3 Violation of any state or federal laws, statutes, or town ordinances, rules, or regulations pertaining to short term rentals
- X.4.4 The operation is a threat to the public health, safety, or welfare
- ~~X.4.5 A failed life safety/fire inspection or refusal to allow a life safety/fire inspection.~~

X.5 Fee and Penalties

- X.5.1 Fees for an annual STR permit shall be set by the Freedom Board of Selectmen
- X.5.2 Failure to comply with all terms of the permit and the standards in this article will lead to the following sanctions as provided for in RSA 676:17:
 - 1st offense: fine of \$275
 - 2nd and subsequent offenses: \$550 per day. Each day that a violation continues shall be a separate offense
 - 3rd offense or subsequent offense: The selectmen are authorized to revoke the permit for the rest of the year or 6 months, whichever is longer.

X.6 Standards

- X.6.1 A short-term rental (STR) may not be established, advertised, or rented until a permit to operate a STR has been issued by the Board of Selectmen or their agent. The property owner shall submit an application to operate a STR to the Zoning Officer.
- X.6.2 To remain in compliance, a permit owner shall comply with all terms and conditions of the permit.
- ~~X.6.3 Those areas of the premises open to use by guest(s) remain subject to periodic safety inspections at the discretion of the town~~ **and in compliance with RSA 153:14 II a.** per atty
- X.6.4 Annual Maximum STR Use is ~~45~~ **90** days in any calendar year.
- X.6.5 No owner shall cause or shall allow renters to exceed the occupancy limits of the STR as approved in the permitting process. If the renters do not comply, it remains the responsibility of the owner.
- X.6.6 All STR guest parking shall be off-street on the lot of the STR owner. All guest(s) of the STR shall park on the property. No renter or guest shall park on the street at any time.
- X.6.7 Owner and guests shall store all trash safely on site and/or shall remove trash at the end of each rental.
- X.6.8 Owner and guests shall comply with **RSA 644:2, NH's disorderly conduct law** Freedom's noise ordinance
- X.6.9 No use of fireworks shall be allowed except as permitted by Freedom's fireworks ordinance**
- X.6.10 Owner or his/her delegated representative shall be accessible by telephone during all periods of STR occupancy and able to be physically present at the STR within one hour of being contacted, at any time.
- X.6.11 Owner or designated representative shall serve as the point of contact for Guests and receive and timely resolve complaints from neighbors regarding disruptive STR use.
- ~~X.6.11 Owner shall maintain the STR guest registration records, including dates of occupancy, number of guests per party per stay, and rates charged to guests for inspection by the town of Freedom if requested~~
- X.6.12 Owner shall post on site: their permit to operate an STR, the maximum occupancy, quiet hours, an evacuation diagram showing fire escapes, and all means of egress from the STR.
- ~~X.6.13 Owner shall register with the NH Department of Revenue Administration and pay all required Room and Meals Tax in a timely manner. If the rental service pays these taxes, the owner shall allow the Town of Freedom access to that information.~~
- X.6.13 In order to monitor compliance with maximum allowed rental days, the permit holder shall sign an affidavit stating the days and dates rented and provide a report of NH**

Room and Meals taxes paid. This affidavit must accompany the application for renewal and cover the prior twelve months.

- X.6.14 Outdoor fires. Fires in STRs are allowed only in firepits approved by the Freedom Fire Department and with a permit issued pursuant to RSA 227-L:17 from NHFirePermit.com or the Freedom Fire Warden/Chief or deputy.
- X.6.15 Signage is restricted to the following:
 - X.6.14.1 One non-illuminated sign not exceeding two square feet. If ground mounted the sign shall be set back at least ten feet from all lot lines and be no taller than three feet. If mounted on the house no part of the sign may be higher than the top of the first-floor windows.
 - X.6.14.2 Non-advertising auxiliary signs (such as “No Parking Here” and “Entrance to the Right”)

X.7 Prohibitions

- X.7.1 Incidental camping. A STR permit allows use of the primary residence only and does not authorize incidental camping, which means any overnight camping, sleeping in tents or other temporary shelter in the yard or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles or parked on the short-term rental property.
- X.7.2 Subletting. Guests are prohibited from subletting a short-term rental. Only owners with a valid STR permit may advertise and rent a primary residence as a short-term rental.
- X.7.3 Special events. **All use of the short-term rental property shall relate to and be sponsored by the renter and not by a third-party. All such events shall comply with parking, occupancy limits, and other terms of the permit.** ~~Weddings, family reunions, corporate events, commercial functions, and any other similar events are prohibited from occurring at a short-term rental property when it is rented.~~

X.8 Definitions

- 1 Allowed Occupancy is the number of guests allowed in a permitted STR. Occupancy calculation is two people per bedroom approved by NH Department of Environmental Services Subsurface Division for septic capacity plus two. Number of beds in the STR is not the measure of allowed occupancy.
- 2 Annual Maximum STR Use means the maximum days in a calendar year (January 1 to December 31) which the STR may be rented to paying guests.
- 3 Bedroom means a room that contains a minimum of seventy (70) square feet, a horizontal dimension of at least seven feet, and a window or opening that can be used for emergency egress. The construction of a bedroom advertised for an STR shall have been authorized by a building permit and meet all requirements of the International Residential Code adopted by the state of NH.
- 4 Building Code means the code that is most recently adopted by the town of Freedom.
- 5 Conditional Use Permit (“Permit”) means the permit issued by the Freedom Select Board to a Freedom property owner to conduct STR
- 6 Designated Representative means an individual who is personally available by telephone and who maintains the ability to be onsite in compliance with the requirements of the permit and who has access and authority to assume management of the short-term rental. An agent or professional property management company that meets the availability requirements can serve as the designated representative.
- 7 Guest/Guests means the individual or individual(s) paying the owner to occupy the short-term rental for the purposes of staying overnight. It also includes friends and acquaintances of the renters who visit the STR during the rental period.
- 8 Inspection means an official, in person examination by the Freedom Fire Department of the

primary dwelling unit for which a property owner is applying for an STR permit. This inspection will include all NFPA Life safety requirements

- 9 NFPA means the National Fire Prevention Association
- 10 NFPA Life Safety Requirements means the codes and standards for protecting life safety published by the NFPA.
- 11 On-site Parking means parking that is provided on the rental property for all guests and includes 1.5 for the first bedroom and 0.5 for each additional bedroom with the total equaling the next highest full space. [Note: this definition will be added to section 1004 of the zoning ordinance.]
- 12 Safety Inspections means inspections that assess the safety of the STR, including but not limited to life safety, fire safety, electrical, gas, and plumbing safety.
- 13 Septic Approval means a copy of the official NH DES approval for the septic system located at the applicant's property.
- 14 Short-Term Rental means the provision of transient lodging for compensation in the primary dwelling unit on a lot in Freedom for stays of between one and twenty-nine consecutive nights, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel, or bed-and-breakfast.
Exclusions: ~~It excludes~~ accessory dwelling units (attached and detached), campers, and camping trailers **do not meet this definition and may not be rented as a STR.**
- 15 STR - Hosted means a dwelling unit where the owner is in residence on the same lot of record of the rental or resides in the rental unit as the guest(s) during the rental period.
- 16 STR Permit means a conditional use permit granted by the Freedom Board of Selectmen (BOS) to a property owner who meets all requirements set forth in this article. (See permit application information at townoffreedom.net)
- 17 STR Owner means the person or persons who is renting out their primary dwelling unit for a short-term rental.
- 18 STR - Unhosted means the permitted owner of the STR is not occupying the STR dwelling unit, nor is the owner residing on the same lot of record as the guest(s) during the rental period.