

## **Short Term Rentals Registration Rules and Regulations**

These regulations are written to effectuate the Town of West Tisbury (the “Town”)’s Short-term Rental By-Law, and are therefore promulgated under the authority of Massachusetts General Laws chapter 64G, section 14.

These regulations are intended to:

- Provide a process through which the Town can continue the historic tradition of a vibrant vacation rental market, such that they may be permitted and registered with the Town for lawful use as short-term rentals;
- To enable residents to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community;
- Ensure that short-term rentals will not be detrimental to the character and livability of the town and the residential neighborhoods surrounding such short-term rentals;
- Ensure the proper regulation of commercial uses of homes in the Town’s residential areas;
- Deter commercial interests from buying housing to use as short-term rental businesses in order to help ensure equity and sufficiency of housing stock for year-round residents;
- Protect the health and safety of renters and residents for those lawful short-term rentals, and;
- Enable the Town to enforce state and local health and safety laws and regulations, and to provide a method for correcting violations when conditions require immediate attention.

Unless otherwise noted, terms used in these regulations shall have the same meaning as set forth in section (“s.”) 1 of Massachusetts General Laws (“M.G.L.”) chapter (“ch.”) 64G.

1. Short Term Rental Definition. For the purposes of these regulations, a “Short Term Rental” or “STR” has the definition contained in M.G.L. ch. 64G, s. 1, with the additional requirement that to be an STR under these regulations, it must be rented for 30 days or fewer. An STR can be the entirety of, or a portion of, a primary unit or an accessory unit.
2. Owner Definition. An Owner is any person who alone or severally with others has legal or equitable title or beneficial interest in any dwelling unit. An Owner may be a single person, marital unit, a group of people, LLC or Trust or other legal entity. Owners that are legal entities are subject to additional restrictions as described below. Tenants or those otherwise in possession of a property without having legal or equitable title are not Owners.
3. Special Provisions for Properties Owned by Legal Entities. Properties owned by LLCs, S-Corporations, Partnerships, trusts or other legal entities may only register a STR if every owner, member or beneficiary of the legal entity is a natural person, confirmed by documentation satisfactory to the Town submitted at the time of registration. Properties owned by legal entities must designate, at the time of registration, which natural person is the “Owner” for the purposes of these regulations.

4. Multiple Structures on One Property. A property with multiple structures may include one structure that is a STR and another structure that is used as a seasonal or long term rental or used by the Owner. The property may contain several STR dwelling units in a single registration, as long as all dwelling units covered by the registration are located on the same lot and rented to the same person or legal entity, with the exception outlined in Section 5 below.
5. Separate Bedrooms. A STR of one dwelling structure may only be rented as separate bedrooms, beds, or living spaces to separate parties if the Owner is in residence full time for the duration of the STR rental period.
6. Single Property Requirement. An Owner is permitted to use only one property as a STR in the Town. If an Owner owns more than one property in the Town, the Owner must choose which property to rent as an STR.
7. 30 Day Occupancy Requirement. To be eligible to register a property as an STR, an Owner, or an Owner's immediate family member, must reside at the property for at least 30 days (not necessarily consecutively) of every calendar year. Properties owned by multiple owners may be occupied by any owner and joint owners may cumulate their time in residency to satisfy this 30 day requirement.
8. Excluded Rentals. These regulations do not apply to:
  - rentals of 31 days or longer, including seasonal and year-round rentals.
  - Hotels, Motels, Lodging Houses, Bed and Breakfast homes, and Bed and Breakfast Establishments.
  - Rental of property for fewer than a total of 14 days per calendar year (however those rentals shall remain subject to local and state building department requirements and state registration requirements).
9. Minimum Rental Period. The minimum stay for a STR shall be 2 nights.
10. Pre-Existing Rental Exclusions. Any Owner with multiple STRs prior to April 9, 2024 must register the STRs with the Town but is exempt as to the Single Property Requirement outlined in Section 6 above, and the 30-Day Occupancy Requirement outlined in Section 7 above, and any other residency requirements herein. This exemption is personal to the Owner and expires upon any transfer of the property.
11. Initial Grace Period. An Owner who prior to June 1, 2025 signed a lease for a STR will be exempt from these regulations for that specific STR lease.
12. Town Registration Requirement. No Owner shall rent, or offer to rent, any STR prior to registering with the Town and Owner must renew the STR registration every two (2)

years (or sooner if said registration expires). The non-refundable Registration Fee is \$400. Applications are due at least 30 days before the rental period is to begin.

An STR registration is non-transferable: any change in designated Owner or transfer of property ownership will require a new registration.

**\*\*See Registration Form Attached\*\***

13. State Registration Requirement. An Owner shall register with the Commonwealth of Massachusetts Department of Revenue before operating a STR; the Owner shall provide a copy of the state issued certificate of registration upon submitting for registration with the Town. <https://www.mass.gov/info-details/room-occupancy-excise-tax>
14. Expiration and Renewal Timing. All registrations will expire on December 31 of the expiration year. For example, a registration issued in February 2025 will expire on December 31, 2027, as will a registration issued in April 2025. (This example is for illustration purposes only).
15. Insurance Requirement. Owner shall have and maintain at all times minimum liability insurance in accordance with M.G.L. ch. 175 s. 4F. Owners are reminded that the foregoing statute requires a minimum of \$1,000,000 liability insurance for each STR. Owner must provide a Certificate of Insurance at the time of registration. Failure to comply with the insurance requirement shall grounds to revoke a STR registration.
16. Compliance with Law. An STR shall at all times comply with these regulations, the Town's STR By-Laws, Town's General and Zoning By-Laws, state and federal law, as well as all applicable codes, including building, electrical, plumbing, mechanical, fire, health, housing and zoning code ("Codes"). An STR will not be eligible to register if there are outstanding taxes due on the property, and/or if the property is subject to Code enforcement, including any notices of violation, notices to cure, orders of abatement, cease and desist orders or correction notices. Registration may be revoked if a STR is issued notices of violation, notices to cure, orders of abatement, cease and desist orders or correction notices after registration.
17. Health and Safety. In addition to complying with relevant law and Codes, an STR shall at all times comply with all state and local requirements for health and safety and the Standards of Fitness for Human Habitation as stated in Massachusetts State Sanitary Code-Chapter II-105 CMR 410.000, and shall comply with residential smoke and CO detector law pursuant to M.G.L. c 148 s. 26E, 26F and 26F1/2. Further, a fire extinguisher shall be mounted in (or near) kitchens used for the STR in a clearly visible location, or if the STR unit offers no kitchen a fire extinguisher shall be mounted in a location easily accessible to occupants

18. Posting. Registration and information for the property must be posted clearly in a visible location and emailed to all guests prior to arrival. To satisfy this requirement, the posting must be no smaller than a 8.5" x 11" document, either laminated or in picture frame, containing at least the following information:
- a. Street address, including map and lot
  - b. 911 Information
  - c. Local contact information of Owner or agent in case of emergency
  - d. Maximum occupancy information and number of vehicles
  - e. Town Registration Number and State STR Registration Certificate
  - f. Location of Fire Extinguisher
19. Inspections. To register an STR and upon renewal, the property must pass an inspection by the Town, performed by an officer or agent of the Town, to ensure its compliance with these regulations. That inspection shall determine the Maximum Occupancy and may determine, in the discretion of the inspecting officer or agent, a maximum number of vehicles permitted for that STR during the rental period. STRs may be subject to additional inspection in response to a complaint or at the discretion of the Town.
20. Duty to Respond. An Owner, or designated agent, must be available to adequately respond to the complaints and/or inquiries of a renter. Failure to do so within twenty four (24) hours, shall constitute a violation of these regulations.
21. Duty to Update Contact Information. An Owner or designated Owner must at all times maintain up-to-date contact information with the Town, including a working phone number and e-mail address. Failure to update contact information within 10 days of change shall constitute a violation of these regulations.
22. Violations. An Owner who violates these regulations may be subject to a penalty of \$300 per day. An Owner that is in violation of multiple regulations concurrently may be subject to multiple penalties. For instance, an Owner who offers a STR that is suitable for 10 people for one day to 15 people would be subject to a \$600 per day fine (a violation of maximum occupancy and a violation of minimum rental; this example is provided for illustration purposes only). The Owner is liable for payment of any penalties. An Owner that accumulates more than 3 violations in a single registration period is subject to revocation of registration at the discretion of the Town. Each day that a violation exists constitutes a separate offense.

## Short-Term Rental of Residential Property Registration for the Town of West Tisbury

# \_\_\_\_\_

Owner Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Property Street Address: \_\_\_\_\_

Map: \_\_\_\_\_ Lot: \_\_\_\_\_

A short-term rental is required to have a local manager or responsible party who will respond with twenty-four (24) hours to any problem or complaint and within 30 minutes in an emergency.

Primary Caretaker/Manager Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**Copy of Certificate of Registration/Massachusetts Department of Revenue must be attached.  
Copy of Insurance certificate must be attached.**

**I certify that my short-term rental property is in compliance with the relevant state and local laws, bylaws, regulations, and guidelines.**

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Signature

Date

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Printed Name

# Short Term Rental of Residential Property Registration for the Town of West Tisbury

**Town Agent to Complete:**

**Registration Fee \$ \_\_\_\_\_ paid**

**Inspections:**

*\*\*Inspection Fees are included in the registration fee.*

**Building Inspector \_\_\_\_\_ Date: \_\_\_\_\_**

**Board of Health \_\_\_\_\_ Date: \_\_\_\_\_**

**Fire Department \_\_\_\_\_ Date: \_\_\_\_\_**

**Permit effective through (date) \_\_\_\_\_**

**Maximum occupancy: \_\_\_\_\_**

**Maximum number of vehicles: \_\_\_\_\_**

**Registration # \_\_\_\_\_**