

City of Salem
First Passage

In the year Two Thousand and Twenty-Two

An Ordinance to allow short-term rentals in the City of Salem.

Be it ordained by the City Council of the City of Salem, as follows:

AN ORDINANCE AMENDING THE SHORT-TERM RESIDENTIAL RENTAL ORDINANCE

Be it ordained by the City Council of Salem, as follows:

SECTION 1. An amendment to **City of Salem Code, Ordinances, PART III, Chapter 15, SHORT-TERM RESIDENTIAL RENTALS**, as follows:

Delete the definition of “primary residence” in Section 15-2, Definitions, and replace with the following:

“*Primary residence.* The residential unit in which the operator resides for at least six months out of a 12-month period. Primary residence is demonstrated by showing that as of the date of registration of the residential unit, the operator has resided in the residential unit for six of the past 12 months, as demonstrated by at least two of the following: utility bill, voter registration, motor vehicle registration, deed, lease, driver's license, other state-issued identification, or proof of residential exemption.”

Delete subsection (4) in Section 15-4, Ineligible Residential Units, and replace with the following:

“(4) Residential units located within a property subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, unpaid taxes, water/sewer or tax liens, or other existing judgments or penalties imposed by the city so long as the matter remains unresolved. If a violation or other order is issued after the residential unit has been registered, the residential unit's registration shall be suspended until the violation has been cured or otherwise resolved.”

Delete subsection (9) in Section 15-6, Requirements for Residential Units, and replace with the following:

“(9) *Retention of records.* The operator shall retain and make available to ISD and/or the Health, Police and Fire Departments, upon written request, records to demonstrate compliance with this section, including but not limited to: records demonstrating number of months that operator has resided or will reside in the residential unit and records showing that operator is the owner or valid leaseholder of the residential unit offered as a short-term rental. The operator shall retain such records for a period of three years from the date the residential unit is last registered for a certificate of fitness inspection.”

Delete subsection (10) d. in Section 15-6, Requirements for Residential Units, and replace with the following:

“d. Any listing made by the operator with any booking agent or on any website shall prominently display proof of current registration and receipt of a certificate of fitness within the prior 12 months.”

Delete the first paragraph of Section 15-8, Complaint Process; Violations, and replace with the following:

“Complaints shall be made to the police, fire, health and/or inspectional services department and investigation shall commence within 30 days. Violations may, at the enforcement official’s discretion, result in a warning or an ordinance ticket and the maximum appropriate fine. Three or more such tickets within a six month period will result in the unit no longer being eligible to that operator for use as a short-term rental for a period of six months following the most recent violation.”

Delete Section 15-9, Enforcement, and replace with the following:

“(a) *Enforcement by city.* The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L.A. ch. 40, § 21D, and, if applicable, by seeking to restrain a violation by injunction. A violation of this section shall be sufficient cause for revocation of the right to operate the short-term rental and/or a penalty by a non-criminal disposition, as provided in M.G.L.A. ch. 40, § 21D, in an amount set forth in section 1-10 of this Code. Any person aggrieved by the revocation of the right to operate a short-term rental, or the imposition of a penalty may file an appeal as provided by the general laws.

(b) *Enforcement by booking agent.* The city shall enter into agreements with booking agents for assistance in enforcing the provisions of this section, including but not limited to an agreement, whereby the booking agent agrees to remove a listing from its platform that is deemed ineligible for use as a short-term rental under the provisions of this ordinance and whereby the booking agent agrees to prohibit a host from listing any short-term rental without proof of registration. Where the City is unable to enter into such agreements, the City shall inform the booking agent of the ineligibility of a listing and if applicable, seek injunctive relief.”

SECTION 2. This ordinance shall take effect as provided by City Charter.

In City Council May 12, 2022

Referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole

In City Council July 14, 2022

Adopted for first passage by a roll call vote of 8 yeas, 0 nays and 3 absent

ATTEST:

ILENE SIMONS
CITY CLERK

Adv: 07/27/2022