



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

May 12, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Darleen Melis of 115 Federal Street to the Tree Commission for a term of 3 years to expire May 23, 2025.

I recommend confirmation of this reappointment and ask that you join me in thanking Ms. Melis for her continued dedicated service and commitment to our community.

Sincerely,

A handwritten signature in cursive script, reading "Kim Driscoll".

Kimberley Driscoll
Mayor
City of Salem



CITY OF SALEM, MASSACHUSETTS

**Kimberley Driscoll
Mayor**

Office of the Mayor

May 12, 2022

**Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970**

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Naomi Cottrell of 55 Warren Street to the Tree Commission for a term of 3 years to expire May 23, 2025.

I recommend confirmation of this reappointment and ask that you join me in thanking Ms. Cottrell for her continued dedicated service and commitment to our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over a faint, larger version of the same signature.

**Kimberley Driscoll
Mayor
City of Salem**



CITY OF SALEM, MASSACHUSETTS

**Kimberley Driscoll
Mayor**

Office of the Mayor

May 12, 2022

**Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970**

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, Lynda Coffill of 56 Belleview Avenue to the Council on Aging for a term of 3 years to expire May 23, 2025.

I recommend confirmation of this reappointment and ask that you join me in thanking Ms. Coffill for her continued dedicated service and commitment to our community.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kim Driscoll", is written over a faint, larger version of the same signature.

**Kimberley Driscoll
Mayor
City of Salem**



CITY OF SALEM, MASSACHUSETTS

**Kimberley Driscoll
Mayor**

Office of the Mayor

May 12, 2022

**Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970**

Ladies and Gentlemen of the City Council:

I reappoint, subject to City Council confirmation, John Boris of 5 Bedford Street to the Housing Authority for a term of 5 years to expire May 24, 2027.

I recommend confirmation of this reappointment and ask that you join me in thanking Mr. Boris for his continued dedicated service and commitment to our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over a faint, larger version of the same signature.

**Kimberley Driscoll
Mayor
City of Salem**



CITY OF SALEM, MASSACHUSETTS

**Kimberley Driscoll
Mayor**

Office of the Mayor

May 12, 2022

**Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970**

Ladies and Gentlemen of the City Council:

I am pleased to appoint Eliud Alcalá to the Council on Aging Board for a three-year term to expire March 1, 2023. Mr. Alcalá will fill the remainder of the term of Julie Carver, who has stepped down from the board. Please join me in thanking Ms. Carver for her dedicated service to our community, to Salem's older adults, and to our Council on Aging.

For the last eight years Mr. Alcalá has served as a business engagement specialist for the Executive Office of Labor and Workforce Development. Prior to that he worked as a human resources coordinator for Bridgewell. Mr. Alcalá holds a doctorate in Family Counseling from Universidad Nuestro Pacto Internacional and a Master's in Theology and Family Counseling from Miami International Seminary. He is a volunteer with the Make-a-Wish Foundation and a board member of the Lynn Hispanic Scholarship Fund, Neighbor to Neighbor, and the Lynn Community Health Center.

I strongly recommend confirmation of Mr. Alcalá's appointment to the board. We are fortunate that he is willing to serve our community in this important role and lend his dedication and insights to the board and its work.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Driscoll", written in a cursive style.

**Kimberley Driscoll
Mayor
City of Salem**



CITY OF SALEM, MASSACHUSETTS
Kimberley Driscoll
Mayor

May 12, 2022

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is a request for an appropriation of Eight Thousand Dollars (\$8,000.00) from the "Receipts Reserved" funds listed below to the Department of Public Services Burial Account (14112-5383).

FROM			TO	AMOUNT
2430-4800	R/Res Sale of Lots	14112-5383	DPS Burial	\$ 4,000.00
2431-4800	R/Res Sale of Vaults	14112-5383	DPS Burial	\$ 4,000.00
Total:				<u>\$8,000.00</u>

This appropriation is necessary to purchase burial boxes for burial services for the cemetery.

I recommend passage of the accompanying Order.

Very truly yours,


Kimberley Driscoll
Mayor



CITY OF SALEM

In City Council,

Ordered:

May 12, 2022

That the sum of Eight Thousand Dollars (\$8,000.00) is hereby transferred and appropriated from the Receipts Reserved funds listed below to the Department of Public Services Burial Account (14112-5383) in accordance with the recommendation of Her Honor the Mayor.

From		To		Amount
2430-4800	R/Res Sale of Lots	14112-5383	DPS Burial	\$ 4,000.00
2431-4800	R/Res Sale of Vaults	14112-5383	DPS Burial	4,000.00
Total				\$ 8,000.00



KIMBERLEY DRISCOLL
MAYOR

DAVID KNOWLTON P.E.
DIRECTOR OF PUBLIC SERVICES

CITY OF SALEM, MASSACHUSETTS

DEPARTMENT OF PUBLIC SERVICES
5 JEFFERSON AVENUE - FACILITY LOCATION
98 WASHINGTON STREET - MAILING ADDRESS
SALEM, MASSACHUSETTS 01970
TEL. (978) 744-3302
FAX (978) 744-6820
DKNOWLTON@SALEM.COM

April 22, 2022

The Honorable Mayor Kimberly Driscoll
City of Salem
93 Washington Street
Salem, Massachusetts 01970

Subject: Burial Services for Q4 FY22

Dear Mayor Driscoll,

We respectfully request an appropriation of funds in the amount of Eight Thousand, (\$8,000) from the following account:

24301-4800: Sale of Lots - \$4,000
24311-4800: Sale of Vaults - \$4,000

to be transferred into the Public Service Burial Services line - 14112-5383. This appropriation will allow for the burial services and operations for the fourth quarter of Fiscal year 2022.

Respectfully yours,

David Knowlton
Director of Public Services

Cc: Anna Freedman
Robert LeBlanc
File Copy

Department

CITY OF SALEM - Finance Department

Transfer Free Cash, W/S, R/E, R/Res & Budget Transfer Request Form

From: DPS
Department

[Signature]
Department Head Authorizing Signature

Date

4/25/22

Budget or R/Res
Transfers

To: 14112-5383
(Org/Object)

Desc: Bural Services

Budget Amt: _____
Balance: 12,506.94

From: 2434-4800

Desc: Sale of lots

Budget Amt: _____
Balance: 14,293

(*Note - Please include letter to Mayor for Transfers from different Personnel & Non-personnel lines)

Current Balance in Receipts Reserved Fund Above (if applicable) - \$ _____ Date: _____

Free Cash or To: _____

Desc: _____

Budget Amt: _____

Balance: _____

Retained Earnings (W/S) (Org/Object)

Raise & Appropriate

Please circle one

Amount Requested:

\$ 4,000

Reason (Be Specific)

Transfer needed for Bural Services
Completely

For Finance Department and Mayor's Use Only:

_____ Budget Transfer

_____ Mayor Approval

_____ City Council Approval

_____ Free Cash Appropriation - City Council Approval - Gen Fund \$ _____

Free Cash Balance

_____ R/E Appropriation - Water \$ _____
R/E Balance

_____ R/E Appropriation Sewer \$ _____
R/E Balance

☒ Receipts Reserve - City Council Approval

\$ _____
R/Res Fund Balance

_____ Raise & Appropriate

☒ Other Sale of lots transfer

Recommendation: ☒ Approved _____ Denied

Den: [Signature]
Finance Director

Completed: Date: _____ By: _____ CO # _____ JEN: () + _____ Transfer #: (Completed) _____

CITY OF SALEM - Finance Department

Attachment

Free Cash, W/S R/E, R/Res & Budget Transfer Request Form

From: DPS

Department

[Signature]
Department Head Authorizing Signature

Date

4/22/21

Budget or R/Res
Transfers

To: 14112-5383
(Org/Object)

Desc: Burial Services

Budget Amt:

Balance: 12,506.94

From: 024311-4800

Desc: Sale of vaults

Budget Amt:

Balance: 9476.39

(*Note - Please include letter to Mayor for Transfers from different Personnel & Non-personnel lines)

Current Balance in Receipts Reserved Fund Above (if applicable) - \$

Date:

Free Cash or To:

Desc:

Budget Amt:

Balance:

Retained Earnings (W/S) (Org/Object)

Raise & Appropriate

Please circle one

Amount Requested:

\$ 4000

Reason (Be Specific)

Transfer needed for Burial Services
@ Cemetery

For Finance Department and Mayor's Use Only:

☐ Budget Transfer

☐ Mayor Approval

☐ City Council Approval

☐ Free Cash Appropriation - City Council Approval - Gen Fund \$

Free Cash Balance

☐ R/E Appropriation - Water \$

R/E Balance

☐ R/E Appropriation Sewer \$

R/E Balance

☒ Receipts Reserve - City Council Approval

\$
R/Res Fund Balance

☐ Raise & Appropriate

☒ Other Sale of vaults transfer

Recommendation: ☒ Approved ☐ Denied

[Signature]
Finance Director

Completed: Date:

By:

CO #

JE#:

Transfer #:



CITY OF SALEM, MASSACHUSETTS
Kimberley Driscoll
Mayor

May 12, 2022

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:


Enclosed herewith is a request to transfer Eighteen Thousand Dollars (\$18,000.00) from the Building Department's "FT Salaries" account (12411-5111) to the Building Department's "Electricity" account.

Description	Fund	Amount
Electricity	11962-5211	\$18,000.00

This transfer is to cover payment associated with electric bills for April, May, and June 2022 for City Hall, City Hall Annex, and the Council on Aging.

I recommend passage of the accompanying Order.

Very truly yours,


Kimberley Driscoll
Mayor



CITY OF SALEM

In City Council,

Ordered:

May 12, 2022

That the sum of Eighteen Thousand Dollars (\$18,000.00) is hereby transferred from the Building Department's "FT Salaries" account (12411-5111) to the Building Department's "Electricity" account as provided below to cover payment associated with electric bills for April, May, and June 2022 for City Hall, City Hall Annex, and the Council on Aging, in accordance with the recommendation of Her Honor the Mayor.

Description	Fund	Amount
Electricity	11962-5211	\$ 18,000
		\$ 18,000



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS

BUILDING DEPARTMENT
98 WASHINGTON STREET, 2ND FLOOR
TEL. (978) 745-9595

THOMAS ST. PIERRE
DIRECTOR OF PUBLIC PROPERTY/BUILDING COMMISSIONER

April 19, 2022

Mayor Kimberley Driscoll
City of Salem
93 Washington Street
Salem, MA 01970

Dear Mayor Driscoll,

I am requesting funds from the Payroll account (12411-5111) be transferred to fund the Electricity account (11962-5211). Additional funds of \$18,000 are needed to cover the electric bills for City Hall, City Hall Annex and Council on Aging for the balance of this fiscal year.

Attached is the completed Budget Transfer Request Form for your review and approval.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas St. Pierre", with a long horizontal flourish extending to the right.

Thomas St. Pierre
Director of Inspectional Services

Enclosure

CITY OF SALEM - Finance Department

Free Cash, W & S R/E, R/Res & Budget Transfer Request Form

From: Inspectional Services
Department


Department Head Authorizing Signature

April 14, 2022
Date

Budget or R/Res

Transfers

To: 11962-5211
(Org/Object)

Desc: Electricity

Budget Amt: \$61,600

Balance: \$1,422.87

Budget Amt: \$613,049.00

Balance: \$174,685.62

From: 12411-5111

Desc: Personnel

(*Note - Please include letter to Mayor for Transfers from different Personnel & Non-personnel lines)

Current Balance in Receipts Reserved Fund Above (if applicable) - \$ _____ Date: _____

Free Cash or

To: _____
(Org/Object)

Retained Earnings (W/S)

Raise & Appropriate
Please circle one

Desc: _____

Budget Amt: _____

Balance: _____

Amount Requested:

\$ 18,000.00

Reason (Be Specific) Additional funds requested to cover City Hall, City Hall Annex, and Council on Aging electric bills for April, May and June of 2022.

For Finance Department and Mayor's Use Only:

☒ Budget Transfer

☐ Mayor Approval

☐ City Council Approval

☐ Free Cash Appropriation - City Council Approval - Gen Fund \$ _____

Free Cash Balance

☐ R/E Appropriation - Water \$ _____

R/E Balance

☐ R/E Appropriation Sewer \$ _____

R/E Balance

☐ Receipts Reserve - City Council Approval

\$ _____

R/Res Fund Balance

☐ Raise & Appropriate

☐ Other


Finance Director

Recommendation: ☒ Approved ☐ Denied

Completed: Date: _____ By: _____ CO # _____ JE#: _____ Transfer #: _____



CITY OF SALEM, MASSACHUSETTS
Kimberley Driscoll
Mayor

May 12, 2022

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:

Enclosed herewith is an order for Three Thousand Dollars (\$3,000.00) from the "Elections and Registration" Seasonal Election Workers" account (11621-5118) to the Elections and Registrations Departments' "voting Machine Services" account.

Description	Fund	Amount
Voting Machine Services	11622-5386	\$3,000.00

This request is necessary to cover the cost of a damaged ballot drop box.

I recommend passage of the accompanying Order.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over the printed name.

Kimberley Driscoll
Mayor



CITY OF SALEM

In City Council,

Ordered:

May 12, 2022

That the sum of Three Thousand Dollars (\$3,000.00) is hereby transferred from the Elections and Registrations Department's "Seasonal Election Workers" account (11621-5118) to the Elections and Registrations Department's "Voting Machine Services" account as provided below to cover payment associated with replacing a damaged ballot drop box in accordance with the recommendation of Her Honor the Mayor.

Description	Fund	Amount
Voting Machine Services	11622-5386	\$ 3,000.00
		\$ 3,000.00

CITY OF SALEM - Finance Department

Free Cash, W & S R/E, R/Res & Budget Transfer Request Form

From: City Clerk Department Nonee Simms Department Head Authorizing Signature 4/25/06 Date

Budget or R/Res

Transfers

To: 116 22-5386 (Org/Object) Desc: Voting machine SVCS Budget Amt: 17,400 Balance: 3,128.86
 From: 116 21-5118 Desc: Seasonal workers Budget Amt: 52,320 Balance: 10,916.94
 (*Note - Please include letter to Mayor for Transfers from different Personnel & Non-personnel lines)

Current Balance in Receipts Reserved Fund Above (if applicable) - \$ _____ Date: _____

Free Cash or To:

Retained Earnings (W/S) (Org/Object)

Raise & Appropriate

Please circle one

Desc: _____

Budget Amt: _____

Balance: _____

Amount Requested:

\$ 3,000.00

Reason (Be Specific) to cover cost of a new ballot drop box that was destroyed by a Salem Fire truck backing into the box at Fire Headquarters - Lafayette St

For Finance Department and Mayor's Use Only:

☒ Budget Transfer _____ Mayor Approval _____ City Council Approval

_____ Free Cash Appropriation - City Council Approval - Gen Fund \$ _____ Free Cash Balance

_____ R/E Appropriation - Water \$ _____ R/E Balance _____ R/E Appropriation Sewer \$ _____ R/E Balance

_____ Receipts Reserve - City Council Approval \$ _____ R/Res Fund Balance

_____ Raise & Appropriate

_____ Other _____

Recommendation: ☒ Approved _____ Denied

[Signature]
Finance Director

Completed: Date: _____ By: _____ CO # _____ JE#: _____ Transfer #: _____



CITY OF SALEM, MASSACHUSETTS
Kimberley Driscoll
Mayor

May 12, 2022

To the City Council
City Hall
Salem, Massachusetts

Ladies and Gentlemen of the Council:


Enclosed herewith is a request to transfer Two Thousand Two Hundred Fifty Dollars (\$2,250.00) from the Building Department's "FT Salaries" account (12411-5111) to the Building Department's "Telephone" account.

Description	Fund	Amount
Telephone	11962-5341	\$2,250.00

This transfer is to cover payment for invoices for seven municipal phones lines for the balance of the Fiscal Year.

I recommend passage of the accompanying Order.

Very truly yours,


Kimberley Driscoll
Mayor



CITY OF SALEM

In City Council,

Ordered:

May 12, 2022

That the sum of Two Thousand Two Hundred Fifty Dollars (\$2,250.00) is hereby transferred from the Building Department's "FT Salaries" account (12411-5111) to the Building Department's "Telephone" account as provided below to for payment of invoices for seven municipal phone lines in accordance with the recommendation of Her Honor the Mayor.

Description	Fund	Amount
Telephone	11962-5341	\$ 2,250.00
		\$ 2,250.00



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS

BUILDING DEPARTMENT
98 WASHINGTON STREET, 2ND FLOOR
TEL. (978) 745-9595

THOMAS ST. PIERRE
DIRECTOR OF PUBLIC PROPERTY/BUILDING COMMISSIONER

April 19, 2022

Mayor Kimberley Driscoll
City of Salem
93 Washington Street
Salem, MA 01970

Dear Mayor Driscoll,

I am requesting funds from the Payroll account (12411-5111) be transferred to fund the Telephone account (11962-5341). An additional \$2,250 is requested to cover seven municipal phone lines for the balance of this fiscal year.

Attached is the completed Budget Transfer Request Form for your review and approval.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas St. Pierre".

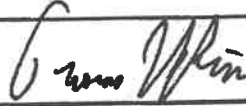
Thomas St. Pierre
Director of Inspectional Services

Enclosure

CITY OF SALEM - Finance Department

Free Cash, W & S R/E, R/Res & Budget Transfer Request Form

From: Inspectional Services
Department


Department Head Authorizing Signature

April 14, 2022
Date

Budget or R/Res

Transfers

To: 11962-5341
(Org/Object)

Desc: Telephone

Budget Amt: \$7,800.00

Balance: \$ 393.28

Budget Amt: \$613,049.00

From: 12411-5111

Desc: Personnel

Balance: \$174,685.62

(*Note - Please include letter to Mayor for Transfers from different Personnel & Non-personnel lines)

Current Balance in Receipts Reserved Fund Above (if applicable) - \$ _____ Date: _____

Free Cash or To:

Retained Earnings (W/S) (Org/Object)

Raise & Appropriate

Please circle one

Desc: _____

Budget Amt: _____

Balance: _____

Amount Requested:

\$ 2,250.00

Reason (Be Specific) Additional funds requested to cover seven municipal phone lines.

For Finance Department and Mayor's Use Only:

☒ Budget Transfer _____ Mayor Approval _____ City Council Approval

_____ Free Cash Appropriation - City Council Approval - Gen Fund \$ _____
Free Cash Balance

_____ R/E Appropriation - Water \$ _____
R/E Balance

_____ R/E Appropriation Sewer \$ _____
R/E Balance

_____ Receipts Reserve - City Council Approval

\$ _____
R/Res Fund Balance

_____ Raise & Appropriate

_____ Other _____

Recommendation: ☒ Approved _____ Denied


Finance Director

Completed: Date: _____ By: _____ CO # _____ JE#: _____ Transfer #: _____



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

May 12, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Orders accept the necessary provisions of the Massachusetts General Laws to enable the City to collect a community impact fee (CIF) of 3.0% from two types of short-term residential rental properties:

- Professionally-Managed Units: one of two or more short-term rental units that are located in the same city or town, with the same operator so long as the unit is not in a dwelling that includes the operator's primary residence. Salem has seven such units.
- 2-family and 3-family dwellings that include the operator's primary residence. In Salem's Code these are referred to as "owner-adjacent units." Salem has approximately 80 such units.

According to state law the Council must vote separately on accepting the CIF law for each of these two types of short-term rental properties and on approving the 3.0% rate; therefore, three separate Council Orders are enclosed. Per MGL, 35% of the CIF revenues will be directed to a receipts reserved for appropriation account intended for affordable housing; this component of the law is intended to help mitigate the impact of lost long-term rental units on our overall housing portfolio. The remainder of CIF revenues are considered general fund revenues and will help offset increased costs to the City from community impacts associated with short-term residential rentals, including police, fire, and inspectors, visitor impacts and public amenities, and marketing information to encourage non-disruptive visitation.

I recommend adoption of the enclosed Orders and invite you to contact Assistant Solicitor Vickie Caldwell and Finance Director Anna Freedman should have any questions regarding them.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over a horizontal line.

Kimberley Driscoll
Mayor
City of Salem

ALM GL ch. 64G, § 3D

Current through Chapter 41 of the 2022 Legislative Session of the 192nd General Court

Annotated Laws of Massachusetts > **PART I ADMINISTRATION OF THE GOVERNMENT (Chs. 1 - 182)** > **TITLE IX TAXATION (Chs. 58 - 65C)** > **TITLE IX TAXATION (Chs. 58 — 65C)** > **Chapter 64G Room Occupancy Excise (§§ 1 — 18)**

§ 3D. Community Impact Fee.

(a) A city or town that accepts section 3A may, by a separate vote and in the same manner of acceptance as set forth in said section 3A, impose a community impact fee of not more than 3 per cent of the total amount of rent upon each transfer of occupancy of a professionally managed unit that is located within that city or town.

(b) A city or town that votes to impose a community impact fee under subsection (a) may, by a separate additional vote and in the same manner of acceptance as set forth in section 3A, also impose the community impact fee upon each transfer of occupancy of a short-term rental unit that is located within a two-family or three-family dwelling that includes the operator's primary residence.

(c) An operator shall pay the community impact fees imposed under this section to the commissioner at the same time and in the same manner as the excise due to the commonwealth under section 3. All sums received by the commissioner under this section as excise, penalties or forfeitures, interest, costs of suit and fines shall, not less than quarterly, be distributed, credited and paid by the state treasurer upon certification of the commissioner to the city or town. A city or town shall dedicate not less than 35 per cent of the community impact fees collected under this section to affordable housing or local infrastructure projects.

History

2018, 337, § 6, effective March 28, 2019.

Annotated Laws of Massachusetts
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End of Document



CITY OF SALEM

In City Council, May 12, 2022

Ordered:

Pursuant to Massachusetts General Law Chapter 64G, Section 3D which permits the imposition of a local community impact fee upon (a) each transfer of occupancy of a professionally managed unit located; and (b) upon each transfer of occupancy of a short-term rental unit within a two-family or three-family dwelling that includes the operator's primary residence, the City shall assess an impact fee of 3%, with 35 per cent of such fees collected dedicated to affordable housing or local infrastructure projects.



CITY OF SALEM

In City Council, May 12, 2022

Ordered:

The City of Salem hereby accepts Section 3D of Massachusetts General Laws, Chapter 64G, subsection (a) which will allow the City to impose a community impact fee of not more than 3 per cent of the total amount of rent upon each transfer of occupancy of a professionally managed unit located within the City, with 35 per cent of such fees collected dedicated to affordable housing or local infrastructure projects. A professionally managed unit is 1 of 2 or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family or three-family dwelling that includes the operator's primary residence



CITY OF SALEM

In City Council, May 12, 2022

Ordered:

The City of Salem hereby accepts Section 3D of Massachusetts General Laws, Chapter 64G, subsection (b), which will allow the City to impose a community impact fee of not more than 3 per cent of the total amount of rent upon each transfer of occupancy of a short-term rental unit located within a two-family or three-family dwelling that includes the operator's primary residence, with 35 per cent of such fees collected dedicated to affordable housing or local infrastructure projects.



CITY OF SALEM, MASSACHUSETTS

**Kimberley Driscoll
Mayor**

May 12, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

Four years ago, the City adopted a far reaching Ordinance to regulate and manage short-term residential rentals in Salem. In the intervening years we have learned more about what parts of the ordinance need to be adjusted to function more effectively. Therefore, the enclosed Ordinance has been presented to you to make these changes.

The enclosed Ordinance strengthens the definition of residency for own-occupied units and broadens the role for enforcement of the Code to include police, fire, and health, as well as the currently included building inspectors, to allow for more ability to enforce the provisions of the Ordinance. It also requires that short-term rental listings include proof of registration, as required in the existing Ordinance, and of a Certificate of Fitness (a separate Ordinance has been filed with you separately for this meeting to adjust the Certificate of Fitness Ordinance comparably). Next, it specifies that the City may seek injunctive relief against a booking agent or listing platform if it does not agree to de-list ineligible listings. Lastly, it eliminates the "featured short-term rental" designation, as no owner has sought to avail themselves of the designation, it has not been found to necessarily have induced greater compliance with the existing Ordinance, and it would likely create additional paperwork and workload for City staff if implemented as written.

I recommend adoption of the enclosed Ordinance. If you have any questions regarding it please contact Assistant Solicitor Vickie Caldwell.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over a horizontal line.

Kimberley Driscoll
Mayor
City of Salem

Chapter 15 SHORT-TERM RESIDENTIAL RENTALS

Sec. 15-1. Purpose.

The purpose of this section is to provide a process through which certain dwelling units may be registered with the city for use as short-term rental units under the stipulations laid out within the ordinance.

(Ord. of 9-27-2018 , § 1)

Sec. 15-2. Definitions.

Booking agent. Any person or entity that facilitates reservations or collects payment for a short-term rental on behalf of or for an operator.

Director. Director of the inspectional services department or a designee.

Home share unit. An entire residential unit offered as a short-term rental that is the operator's primary residence.

ISD. City of Salem Inspectional Services Department.

Limited share unit. A residential unit that is the operator's primary residence, a portion of which is offered as a short-term rental while the operator is present. Occupancy shall be limited to three bedrooms including the bedroom of the operator in a limited share unit.

Non-owner occupied unit. An entire residential unit where the operator or owner does not live in either the unit or the building and it is not the operator's primary residence.

Operator. A natural person who is either the owner or the lawful tenant of the residential unit that they seek to offer as a short-term rental. Only one owner or one tenant may be registered as an operator for a residential unit, and it shall be unlawful for any other person, even if that person is an owner or a lawful tenant and meets the qualifications of primary resident, to offer a residential unit for short-term residential rental.

Owner-adjacent unit. An entire residential unit offered as a short-term rental that is not the owner's primary residence but that is located within the same dwelling or is otherwise within the same property as the primary residence of, and is owned by, said owner.

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 ~~or that the operator intends to reside in the residential unit for six of the next 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.

Residential unit. A residential unit is a dwelling unit as defined in the zoning ordinance but excludes the following: a congregate living complex; elderly housing; a group residence; a homeless shelter; temporary dwelling structure; and transitional housing.

Short-term rental(s). The use of a residential unit for residential occupancy by a person or persons for a period of fewer than 30 consecutive calendar days for a fee. A short-term rental may or may not be facilitated through a booking agent.

(Ord. of 9-27-2018 , § 1; Ord. of 5-13-2021 , § 1)

Sec. 15-3. Short-term residential rentals in the city.

No residential unit shall be offered as a short-term rental except in compliance with the provisions of this section and any regulations that may be promulgated by the building inspector to carry out the provisions of this section.

(Ord. of 9-27-2018 , § 1)

Sec. 15-4. Ineligible residential units.

(a) The following residential units are not eligible to be offered as short-term rentals:

- (1) Residential units where the operator or owner does not live in either the unit, the building, or within the property and it is not the operator's primary residence, unless it qualifies under the exception for existing non-owner occupied unit, provided in section 15-6 d., below.
- (2) Residential units that are located within properties designated as a "problem property" pursuant to section 2-705 (a) (4) of this Code.
- (3) Residential units that are the subject of three or more findings of violations of this section within a six month period, or three or more violations of any municipal ordinance or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct, or other similar conduct within a six month period. Units found ineligible pursuant to this subsection shall remain ineligible for a six month period immediately following the third violation.
- (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, ~~ISD shall suspend the residential unit's registration~~ shall be suspended until the violation has been cured or otherwise resolved.

(Ord. of 9-27-2018 , § 1)

Sec. 15-5. Residential units not subject to certain provisions of chapter.

- (a) *Currently licensed lodging houses.* A residential unit offered as a short-term rental that is located in a dwelling holding a current and valid certificate of occupancy as a lodging house from ISD and a lodging house license from the Salem Licensing Board as of the effective date of this section shall be subject to the registration and room occupancy excise tax requirements contained herein but shall not be subject to any limitation with respect to the number of days per year that a unit or units may be rented out as a short-term rental.
- (b) *Existing bed and breakfasts.* A residential unit offered as a short-term rental that holds a current and valid certificate of occupancy as a bed and breakfast from ISD as of the effective date of this section shall be subject to the registration and room occupancy excise tax requirements contained herein but shall not be subject to any limitation with respect to the number of days per year that a unit or units may be rented out as a short-term rental.
- (c) *Residential units contracted for hospital stays.* The use of a dwelling unit or portion thereof for which a contract exists between the owner of the dwelling unit and a healthcare facility or government entity or non-

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profit organization registered as a charitable organization with the Secretary of the Commonwealth of Massachusetts or classified by the Internal Revenue Service as a public charity or private foundation that provides for the temporary housing in such unit of individuals who are being treated for trauma, injury, or disease, or their family members, shall not be considered a short-term rental.

- (d) *Residential units used for furnished institutional or business stays.* The use of a residential unit for which a contract or an agreement exists between the building owner, a corporate housing operator and an institution or business for the temporary housing of employees or individuals affiliated with such institutions or business, where the minimum stay is at least ten days, shall not be considered a short-term rental.

(Ord. of 9-27-2018 , § 1)

Sec. 15-6. Requirements for short-term rentals.

An operator may only offer a short-term rental subject to the following provisions:

- (1) *Registration* pursuant to section 2-705. Consistent with section 2-705, every new owner and/or operator is required to complete a new registration form and obtain a new certificate of fitness prior to making the unit available as a short-term rental.¹

To cover the expenses associated with monitoring compliance with the requirements of the ordinance, the director of inspectional services shall be authorized to set an annual registration fee per short-term rental unit, in addition to any fee that may be charged for certificate of fitness inspection(s), not to exceed the pro-rata cost to the city for monitoring and enforcement of this section.

- (2) *Short-term rental of a home share unit.* An operator may use their entire home share unit as a short-term rental without a limitation as to the number of days per year. Individual rooms within home share units may not be offered as separate short-term Rentals.
- (3) *Short-term rental of a limited share unit.* An operator may use their limited share unit as a short-term rental without limitation as to the number of days per year.
- (4) *Short-term rental of a non-owner occupied unit.* An operator may use their non-owner occupied unit as a short-term rental only if the operator was engaged in the short-term rental of the property as of the date this ordinance was filed with the council and provided that the operator obtains a special permit from the zoning board of appeals. Qualifying operators must petition for a special permit within 60 days of the date of passage of this ordinance in order to be eligible for this exception. Rentals of non-owner occupied units must be for the entire unit; individual rooms within non-owner occupied units may not be offered as separate short-term rentals. Non-owner occupied units used for short-term rental under this subsection shall be subject to section 36-6 of the ordinance and required to pay a trash fee, but shall not be eligible for a vacancy waiver pursuant to section 36-6 d.
- (5) *Short-term rental of an owner-adjacent unit.* An operator may use their owner-adjacent unit as a short-term rental without limitation as to the number of days per year. Rentals of owner-adjacent units must be for the entire unit; individual rooms within owner-adjacent units may not be offered as separate short-term rentals.
- (6) *Permission of owner.* An operator must certify at the time of registration that they have the following permissions to offer their residential unit as a short-term rental:

¹ This provision shall take effect on April 15, 2019.

-
- a. Operator is the owner of the residential unit offered as a short-term rental or is a tenant who uses the residential unit as their primary residence and has the permission of the owner; and
 - b. that offering the residential unit as a short-term rental complies with applicable condominium documents, bylaws, leases, or other governing documents.
- (7) **Local contact.** When registering, an operator must provide their name and contact information, and, in the event the operator is not present during the short-term rental, the name and contact information of an individual who is able to respond in person to any issues or emergencies that arise during the short-term rental within two hours of being notified. Contact information must include a telephone number that is active 24 hours per day to tenants, short-term rental occupants, and public safety agencies. This phone number shall be included in the registration of the short-term rental unit at the time of registration.
- (8) **Compliance and interaction with other laws.** The operator shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act, M.G.L.A. ch. 151B and section 2-2055 of this Code, and all other regulations applicable to residential dwellings. The residential unit offered as a short-term rental shall continue to be subject to the requirements of section 2-705 of this Code to obtain a certificate of fitness and the applicable requirements of the state sanitary code. Occupancy limits contained in the zoning ordinance and the state building and sanitary codes shall apply. A residential unit offered as a short-term rental may also be subject to annual fire prevention inspection.
- (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.
- (10) **Notifications.**
- a. The operator shall furnish each guest with a community information card containing, at a minimum, (a) emergency telephone numbers for the Salem Police Department and Salem Fire Department, (b) a description of the regulations, if any, relative to on-street parking at the address and fines for parking violations, (c) a description of the city's trash and recycling requirements, including the date of trash and recycling collection at the address, and (d) a copy of the city's noise ordinance. A current copy of the unit's community information card should be furnished to the city at the time of registration or inspection. The operator shall also post a sign on the inside of the residential unit providing information on the location of all fire extinguishers in the unit, and, if applicable, the location of all fire exits and pull fire alarms in the dwelling.
 - b. The operator, upon listing a short-term rental with a booking agent, or modifying an existing listing shall file with the city an exact duplicate of the listing, including property address. Listings must specify the quantity of off-street parking, if any, and whether or not the address is located in a resident-parking zone, including the October resident-parking zone. The city shall maintain a list of the address and unit type of all short-term rentals on file with the city that are currently being offered.
 - c. The operator must have on file with the city the name and contact information for the operator if local or, if not local, the name and telephone number of an individual who can respond in person to any issues or emergencies at the property within two hours of being notified.

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.

d. A booking agent with any listings in the city shall provide to the city on a quarterly basis an electronic report, in a format to be determined by the city. The report shall include a breakdown of where the listings are located, whether the listing is for a room or a whole unit, the number of nights each unit was reported as occupied during the applicable reporting period, and the operator's name and full contact information.

(Ord. of 9-27-2018 , § 1; Ord. of 10-11-2018 , § 1; Ord. of 5-13-2021 , § 1)

Sec. 15-7. Room occupancy excise.

Any short-term rental units to which the Commonwealth extends any excise or surcharge, and the city extends a local option of such, shall comply with the provisions of said statutes. However, where allowable operators may use a booking agent and the booking agent may enter into an agreement with the city for the collection and remittance of such tax. If the operator does not use a booking agent to do so, the operator is solely responsible for collecting and remitting the applicable tax.

(Ord. of 9-27-2018 , § 1)

Sec. 15-8. Complaint process; violations.

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 building inspector'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.

Violations may include any failure to abide by this ordinance including, but not limited to, offering an ineligible unit, failure to furnish copy of booking agent listing or include required parking information in such listing, failure to furnish a community information card to guests or furnishing one without the required minimum information, or failure to remit any required excise tax or surcharge as required by law. Unpaid taxes or surcharges shall also be lien against the property.

(Ord. of 9-27-2018 , § 1)

Sec. 15-9. Enforcement.

- (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.

~~Any booking agent that fails to enter into such agreements to actively prevent, remove or de-list any ineligible listings shall be prohibited from conducting business in the city.~~

- ~~(c) *Featured Short-Term Rental Status.* An Operator who is able to certify that there are no health, building, zoning, or other violations (including police citations) in the prior 12 months associated with the property, is current on all excise and property taxes, and who has filed the booking agent listing and a copy of the community information card with the city for the past 12 months, shall be eligible for listing as a 'featured short-term rental.'~~

(Ord. of 9-27-2018 , § 1)

City of Salem

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.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

May 12, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Ordinance makes a number of housekeeping adjustments to the existing Certificate of Fitness ordinance, specifically relative to the City's short-term rental ordinance.

First, it corrects the definition of "short-term rental" in the Certificate of Fitness ordinance so that it aligns with the same definition in the short-term rental ordinance. Second, it requires that proof of a currently valid Certificate of Fitness be included in any short-term rental listing. Lastly, it increases the fines for violations of the Ordinance from \$50.00 to \$100.00, to help deter intentional violations.

I recommend adoption of the enclosed Ordinance and invite you to contact Assistant Solicitor Vickie Caldwell should you have any questions regarding it.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Driscoll", is written over a horizontal line.

Kimberley Driscoll
Mayor
City of Salem

Sec. 2-705. Certificate of fitness of rented dwelling unit, apartment or tenement.

- (a) *Purpose.* To ensure that all rental units within the city are fit for human habitation and meet the requirements of the sanitary code, all rented dwelling units, apartments, or tenements, other than those in a hotel or motel or otherwise exempted from this ordinance, shall be required to obtain a certificate of fitness at least every three years and every time a new tenant occupies a rental unit.
- (1) *Three-year inspection requirement.* Every three years, each rental unit, excluding those in owner occupied two- and three-family homes or those which have provided proof of passing a HUD inspection within the previous three years, shall be inspected to ensure compliance with the state sanitary code and city ordinances. Any dwelling unit, apartment, or tenement which has not been found in violation of any sanitary or building code provisions and has not received any disorderly house citations in the three-year period since last inspected will be subject to inspection every five years, provided there has been no change of ownership or tenancy. The three-year inspection requirement shall not apply to any owner-occupied unit regardless of the number of units in the building.
- (2) *Inspection upon change of tenancy.* Each rented dwelling unit, apartment, or tenement, including those in owner occupied two- and three- family homes, shall be subject to inspection whenever they are vacated by the occupant thereof or prior to such vacancy. The owner or lessor of such residential property shall be responsible for notifying the board of health of such vacancy and for scheduling an inspection required by this section. A change in tenancy shall not include circumstances where the change results in an owner becoming the new occupant of the unit.
- (3) *Short-term rentals.* A certificate of fitness shall also be required for any owner of residential property who rents or leases a dwelling or any portion of a dwelling on a short-term basis pursuant to Chapter 15 of the Ordinance. "Short-term" shall be defined as a rental or rentals of fewer than 30 days in one calendar year, 14 days in any one year. Owners who intend to offer such short-term rentals to tourists must notify the board of health to register the property as such and schedule an inspection to receive a certificate of fitness. This registration and certificate must be renewed every year or upon a change in ownership, but not upon any change in the short-term tenancy.
- (4) *Problem property.* Any rental dwelling unit, apartment, or tenement located at an address to which the police department has been called to not fewer than four times within the preceding 12 month period for any incident involving any arrestable offense including, but not limited to, disturbing the peace, trespassing, underage drinking or assault; or where the inspectional services department and/or the board of health have received no fewer than four sustained complaints within the preceding 12 month period, may be deemed a "problem property" and subject to annual inspection at the discretion of the director of inspectional services or the board of health agent.
- (b) *Certification required; fee.* Such unit must be inspected and certified by the board of health or its agents as meeting 105 CMR 410.000, State Sanitary Code, Chapter II, Minimum Standards of Fitness for Human Habitation, as promulgated and from time to time amended by the state department of public health. The fee for such an inspection shall be \$50.00 per unit.
- (c) *Refusal of certification.* If, after any inspection by the board of health or its agents pursuant to this section, an inspector refuses to issue a certificate of fitness, such inspector shall issue a written order or copy of the inspection form setting forth the violations of chapter 11 of the state sanitary code existing in the unit, which must be corrected before a certificate of fitness may be issued. It shall be the responsibility of the owner or lessor receiving such order to notify the board of health when such violations have been corrected. The initial inspection fee shall cover the cost of the initial inspection and one re-inspection of the unit. An additional fee of \$50.00 shall be imposed for the third and any subsequent inspections.

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- (d) *Time of inspections.* The board of health or its agents shall make such an inspection within ten working days of notification from the owner as to a change of tenancy or the intent to establish a short-term rental. If the inspection shall not have been made within ten working days, the owner or lessor may proceed to rent the unit provided the owner arranges for an inspection to occur within 30 days of notification. The health agent, in consultation with the director of inspectional services, shall establish a schedule for the inspections required under this provision.
- (e) *Posting of certificate.* Upon issuance of such certificate, it shall be posted in a conspicuous place in which the unit is located or a copy of it shall be given to any person occupying the unit. For short-term rentals, proof of a current certificate shall be included in any listing of the property.
- (f) *Appeal procedure.* The appeal procedure from any decision of the board of health shall be same as that set forth in chapter 11 of the state sanitary code.
- (g) *Records.* Owners shall keep a register listing the names of tenants and dates of tenancy for the previous five years, including any short-term tenants, and make such record available for to the board of health inspector upon request. The owner's register shall not be retained by the board of health and shall not be a public record under the law. Whether or not a certificate of fitness has been issued by the board of health for a particular unit shall be a matter of public record.
- (h) *Penalties.* Any owner or lessor of such property used for dwelling purposes failing to comply with this section shall be subject to a fine of \$100.50.00 each and every day that they allow any person to live, occupy, or inhabit the premises without having received a certificate of fitness from the board of health for a particular unit upon a change in tenancy or upon failure to comply with the inspection requirement.
- (i) *Certification requirement limited.* Absent a change in tenancy or ownership, no rented dwelling unit, apartment, or tenement shall be required to be certified for occupancy more than once in any consecutive three-year period, unless the property has been determined by the director of inspectional services or the board of health agent to meet the criteria for designation as a problem property so as to be subject to annual inspection.
- (j) *Exemptions.* Exemptions from this section shall include property owned and managed by the city housing authority. Also exempted from this section is property consisting of 100 or more rental units that is subject to periodic inspections by the state housing finance agency, the Metropolitan Housing Assistance Program, the Department of Housing and Urban Development, and/or the city housing authority. Any new construction completed less than five years prior to the date on which the rented dwelling unit, apartment, or tenement becomes vacant shall not be required to be inspected under this section unless it has been designated as a problem property as provided above.
- (k) *Right to inspect.* Notwithstanding the foregoing, the board of health reserves the right to inspect any dwelling unit, apartment, or tenement in accordance with the provisions of the state sanitary code.
- (l) *Other remedies.* This section shall not be construed to impair any common law or statutory cause of action or legal remedy therefrom of any person for injury or damage arising from any violation of this section or from other law.

(Code 1973, § 2-344; Ord. of 7-17-2008, § 1; Ord. of 12-7-2017 ; Ord. of 5-13-2021 , § l)

City of Salem

In the year Two Thousand and Twenty-Two

An Ordinance to amend the certificate of fitness requirements in the City of Salem.

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

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, DIVISION 3, SECTION 2-705, CERTIFICATE OF FITNESS OF RENTED DWELLING UNIT, APARTMENT OR TENEMENT

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

SECTION 1.

An amendment to City of Salem Code, Ordinances, Chapter 2, Article IV, Division 3, Section 2-705 as follows:

Delete Section (a) (3), and replace with the following:

“(a)(3) *Short-term rentals.* A certificate of fitness shall also be required for any owner of residential property who rents or leases a dwelling or any portion of a dwelling on a short-term basis pursuant to Chapter 15 of the Ordinance. “Short-term” shall be defined as a rental or rentals of fewer than 30 days in one calendar year. Owners who intend to offer such short-term rentals to tourists must notify the board of health to register the property as such and schedule an inspection to receive a certificate of fitness. This registration and certificate must be renewed every year or upon a change in ownership, but not upon any change in the short-term tenancy.”

Delete Section (e), and replace with the following:

“(e) *Posting of certificate.* Upon issuance of such certificate, it shall be posted in a conspicuous place in which the unit is located or a copy of it shall be given to any person occupying the unit. For short-term rentals, proof of a current certificate shall be included in any listing of the property.”

SECTION 2.

This ordinance shall take effect as provided by City Charter.



CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Office of the Mayor

May 12, 2022

Honorable Salem City Council
Salem City Hall
Salem, Massachusetts 01970

Ladies and Gentlemen of the City Council:

The enclosed Ordinance amends the fines section of the Code of Ordinances to include fines for the violation of the short-term rental Ordinance and to specify who is authorized to enforce that section of the Code.

It sets the first offense for violations at \$100.00, second offenses at \$200.00, and third offenses at \$300.00. Furthermore, it allows for enforcement by inspectors, health department personnel, fire prevention, and police officers.

I recommend adoption of the enclosed Ordinance and invite you to contact Assistant Solicitor Vickie Caldwell should you have any questions regarding it.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kim Driscoll", is written over a light blue horizontal line.

Kimberley Driscoll
Mayor
City of Salem

Sec. 1-10. Noncriminal disposition of ordinance violations.

- (a) Any person who violates a provision of these ordinances or of any ordinance of the city, whether included in these ordinances or any hereafter enacted, whereby any act or thing is enjoined, or prohibited or required, shall unless other provision is expressly made, be liable for a penalty as set forth in subsection (c) herein for each offense; provided, however, that whenever a higher penalty is permitted under the General Laws of Massachusetts, such higher penalty shall be the maximum penalty for each offense; and provided, further, that this section shall not preclude the city from proceedings to restrain the violation of any provision of these ordinances by injunction where such proceeding is more apt. In all instances, except as otherwise provided, each day a violation continues shall constitute a separate offense.
- (b) Without intending to limit the generality of subsection (a), whoever violates any provision of these ordinances, the violation of which is subject to a specific penalty, may also be penalized by a noncriminal disposition, as provided in M.G.L.A., c. 40, § 21D. The noncriminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty. In addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this section, the municipal personnel listed in subsection (c), if any, shall also be enforcing persons for such section.

In the absence of a specific schedule of penalties, as provided for below in subsection (c), all ordinances whether included in these ordinances or any hereafter enacted, may be enforced by police officers through noncriminal disposition as deemed appropriate, according to the following schedule:

General schedule of noncriminal fines

First offense \$50.00

Second offense \$150.00

Third offense \$300.00

- (c) Notwithstanding the provisions of section (a) or (b) of this section, it is the intention of this subsection that the following ordinances and regulations are to be included within the scope of the noncriminal disposition for violations of ordinances according to Chapter 40, section 21D of the General Laws. The specific penalties, as listed herein, shall apply in such cases.

Chapter 2, Article IV, Division 3, Board of Health

Regulation 3, Incorporating 105 CMR 590.000, Minimum Standards for Food Establishments, State Sanitary Code.

Penalty:

First offense Up to \$50.00

Second offense Up to 75.00

Third offense Up to 100.00

Enforcing persons: Board of health personnel, police department personnel.

Regulation 6, Incorporating State Minimum Standards of Fitness for Human Habitation, section 4, garbage and rubbish, and section 8, responsibilities of owners and occupants.

Penalty:

First offense Up to \$50.00

Second offense Up to 75.00

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Third offense Up to 100.00

Enforcing persons: Board of health personnel, city engineer or city engineer's designee.

Regulation 7, Collection, disposal of garbage and refuse.

Penalty:

First offense Up to \$50.00

Second offense Up to 75.00

Third offense Up to 100.00

Enforcing persons: Board of health personnel, city engineer or city engineer's designee.

Regulation 28, rules and regulations affecting the use of possession of tobacco products on school property:

First violation,\$25.00

Second violation,50.00

Third and subsequent violations,75.00

Enforcing person(s): Salem High School Principal or Vice Principal(s).

Section 2-706, Unauthorized collection of solid waste.

Penalty:

First offense\$50.00

Second offense150.00

Third offense300.00

Enforcing persons: Health department personnel, city engineer or city engineer's designee, police department personnel.

Chapter 4, Article II, Signs

Section 4-46, Penalties.

Penalty:

First offense\$50.00

Second offense150.00

Third offense300.00

Enforcing persons: Building inspector(s).

Chapter 8, Article II, Dogs

Section 8-31, License.

Penalty:\$25.00

Enforcing persons: Dog constable, animal control officer.

Section 8-35, Dog restraint.

Penalty:

First offense\$25.00

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Subsequent offenses50.00

Enforcing persons: Dog constable, animal control officer, or police department personnel.

Section 8-36, Disposal of waste.

Penalty:\$50.00

Enforcing persons: Dog constable, animal control officer, or police department personnel.

Section 8-37, Security and guard dogs.

Penalty:\$50.00

Enforcing person: Dog constable.

Section 8-38, Dogs and cats rabies vaccination; revaccination.

Penalty:\$50.00

Enforcing person(s): Animal control officer or police department personnel.

Section 8-39, Dangerous dogs.

Penalty:

First offense\$25.00

Subsequent offenses100.00

Enforcing persons: Animal control officer, or police department personnel.

Chapter 12, Building, Electrical and Plumbing Regulations

Section 12-1, Violations of State Building Code.

Penalty:

First offense\$50.00

Second offense150.00

Third offense300.00

Enforcing persons: Building inspector(s).

Section 12-127, Compliance with electrical code.

Penalty:

First offense\$50.00

Second offense150.00

Third offense300.00

Enforcing persons: City electrician.

Section 12-232, Compliance with code.

Penalty:

First offense\$50.00

Second offense150.00

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Third offense 300.00

Enforcing persons: Plumbing Inspector.

Chapter 12, Division 3, Regulating the Maintenance of Abandoned and Foreclosing Residential and Commercial Properties.

Penalty: \$300.00 per offense

Enforcing person: Director of Inspectional services.

Chapter 15, Short-Term Residential Rentals

Penalty:

First offense \$100.00

Second offense 200.00

Third offense 300.00

Enforcing persons: Inspectional services personnel, health department personnel, police department personnel, fire prevention personnel.

Section 22-31, General prohibitions for radios, boom boxes, tape cassettes, disc players, etc.

Penalty:

First offense \$50.00

Subsequent offenses 100.00

Enforcing persons: Dog constable, health department personnel, police department personnel.

Chapter 24, Offenses and miscellaneous provisions

Section 24-9, Throwing, depositing refuse on streets, vacant lots, etc.

Penalty:

First offense \$50.00

Second offense 150.00

Third offense 300.00

Enforcing persons: Health department personnel, police department personnel, building inspector(s).

Section 24-16, Smoking prohibited on off-road, paved bicycle route.

Penalty:

Per offense \$50.00

Enforcing person: Police officers and health agent or health agent's designee.

Section 24-17, Cigarette vending machines.

Penalty: \$25.00

Enforcing persons: Health department personnel, licensing board or their designee.

Section 24-21, Keeping of unregistered, abandoned or discarded motor vehicles, trailers or boats.

Penalty: \$50.00

Created: 2022-04-01 15:14:29 [EST]

(Supp. No. 25, Update 1)

Enforcing persons: Fire inspector, fire chief or police department personnel, building inspector(s).

Section 24-22, Repairing or dismantling motor vehicles on public ways.

Penalty:\$50.00

Enforcing persons: Fire inspector, fire chief, or police department personnel.

Chapter 26, Parks and Recreation

Section 26-36, Adoption of rules and bylaws, public parks.

1. No dogs allowed High Street Playground.

Penalty:\$50.00

Enforcing persons: Animals control officer, police department, park superintendent or park superintendent's designee.

Chapter 32, Article III, Security Alarm Systems

Section 32-95, False alarms; for each false alarm in excess of two per year.

Penalty:\$25.00

Enforcing persons: Fire inspector, fire chief, or police department personnel.

Chapter 34, Article III, Sidewalk and Yard Sales

Section 34-126, Penalty for violation of article.

Penalty:

First offense\$25.00

Second offense50.00

Third offense100.00

Enforcing persons: Police department personnel.

Chapter 38, Streets and Sidewalks

Section 38-5, Numbering of buildings, dwellings.

Penalty:\$25.00

Enforcing persons: Building inspector(s), fire inspector(s), city electrician, health department personnel, and police department personnel.

Section 38-13, Removal of snow from sidewalks.

Penalty:\$25.00

Enforcing persons: Building inspector(s) and police department personnel.

Section 38-14, Removal of ice from sidewalks.

Penalty:\$25.00

Enforcing persons: Building inspector(s) and police department personnel.

Chapter 40, Tourism and Public Market

Section 40-26, Public guide licenses.

Penalty:

Created: 2022-04-01 15:14:29 [EST]

First offense\$25.00

Second offense50.00

Third and subsequent100.00

Enforcing persons: Police, licensing inspector.

Chapter 42, Traffic

Commercial vehicles prohibited from parking in residential districts.

Penalty:\$25.00

Chapter 44, Article II, Taxicabs

Sections 44-32 through 44-43, inclusive.

Penalty: Up to \$300.00

Enforcing persons: Police department personnel.

Zoning Ordinance of the City of Salem

Penalty for violations of Zoning Ordinance.

Penalty:

First offense\$50.00

Second offense150.00

Third offense300.00

Enforcing persons: Building inspector(s).

(Code 1973, § 1-10; Ord. of 6-1-99, §§ I, II; Ord. of 7-15-99, § 1; Ord. of 3-30-2000, § 1; Ord. of 7-20-2000, § I; Ord. of 5-8-2003, § 1; Ord. of 6-12-2003, § 1; Ord. of 9-26-2013; Ord. of 2-22-2018, § I; Ord. of 5-13-2021, § I)

City of Salem

In the year Two Thousand and Twenty-Two

An Ordinance to amend the enforcement of and penalties for violations of the short-term residential rental ordinance in the City of Salem.

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

AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, SEC. 1-10. NONCRIMINAL DISPOSITION OF ORDINANCE VIOLATIONS.

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

SECTION 1.

An amendment to City of Salem Code, Ordinances, Sec. 1-10. Noncriminal Disposition of Ordinance Violations, as follows:

Add the following language to the Ordinance in subsection (c):

“Chapter 15, Short-Term Residential Rentals

Penalty:

First offense \$100.00

Second offense 200.00

Third offense 300.00

Enforcing persons: Inspectional services personnel, health department personnel, police department personnel, fire prevention personnel.”

SECTION 2.

This ordinance shall take effect as provided by City Charter.