

Summary of changes made to the 3/15/13 draft Residential Rental Property Bylaw

Section 2 & 4. Clarification regarding certain exempt owner occupied rental rooming units – The rental properties exempted under the current language include single family owner-occupied homes in which 1-3 people are let rooms by right, or 4-6 people are let rooms under a Special Permit. No other forms of owner-occupied rental properties are exempted under Article 29.

Owner Occupied Residential Rental Uses:

Exempt from Registration and Permits under Article 29

- Single family home with 1-3 boarders
- Single family home with 4-6 boarders (by special permit)
- Overnight lodging
- Group homes

Requiring Registration and Permits under Article 29

- Supplemental Apartments
- Two Family Dwelling (Duplex)
- Converted Dwellings
- Town Houses
- Apartments
- Certain Mixed-Use Buildings
- Lodging or Boarding Houses (6-10 rooming units)

Section 5. Definitions. Add definition of Principal Code Official – this has been added to clarify that the Town Manager will designate a staff member to oversee and administer the rental program. Additionally, the bylaw provides that only the Principal Code Official shall have the authority to initiate a permit suspension.

Section 6. Registration & Permitting. Changes to Section 6.a. Application Process and Requirements – The third sentence in the first paragraph now reads that a permit application shall be “*reviewed and issued*”. The purpose of this change was to be clear that the intent is that rental permit applications are expected to be issued upon review of a complete application. Section 6.a.3) notes that incomplete applications will not be accepted.

Section 7. Inspections & Complaints. Changes to Section 7.c. Complaints and Response Process – This section was reorganized to emphasize that complaints may be filed by any person. The third paragraph was moved to the beginning of the section and revised to read that “*Upon receipt of a complaint or notice from any person alleging that the condition of a rental unit or property is in violation of any law or State or local requirement, or of any violation of this Bylaw...*” This change also makes clear that a complaint

will be responded to for not only issues related to the condition of the unit or property but also a violation of any provision of the bylaw.

Section 7. Self Certification Program. After discussion with Town Counsel, it has been decided that the provisions under Section 7. A. 1) a) and c) which requires that an owner or agent represent the condition of a property or provide proof of attempts to provide access for self-inspection “under pains and penalties of perjury” were excessive and unnecessary, given that violation of the Bylaw under those provisions would be criminal in nature (and, eventually, liable for jail time) and other more appropriate form of enforcements exist, including fines and—should it prove necessary—suspension of a permit. Accordingly, a revised motion is being developed.

Section 10. Parking. This section has been carefully reviewed to be certain that the bylaw does not attempt to introduce new provisions that would more appropriately be part of the Zoning Bylaw. The language in the first paragraph as well as Section 10.b. has been revised to provide for review of new and existing parking areas in accordance with the provisions and limitations of the Amherst Zoning Bylaw. Each property will be evaluated to determine applicable Zoning Bylaw requirements with respect to parking.

Section 13. Penalties. Changes to Section 13.b. Suspension – Previously the first situation where the Principal Code Official could consider suspension of a rental permit related specifically to violations of the Amherst Zoning Bylaw. Town Counsel has strongly advised that this provision presents an issue as it attempts to create penalties for a Zoning violation that do not currently exist in the Amherst Zoning Bylaw. Therefore, the section has been revised to apply to certain violations of “this Bylaw”.