



# WAITSFIELD PLANNING COMMISSION AGENDA

October 7, 2025 at 7:00 p.m.

## Planning Commission

Beth Cook  
Robert Cook  
Emma Hanson  
AnnMarie Harmon, Vice-Chair  
Becca Newhall  
Alice Peal  
Jonathan Ursprung, Chair

**THE PLANNING COMMISSION WILL BE HOLDING A HYBRID MEETING. THE PUBLIC MAY ATTEND IN PERSON AT WAITSFIELD TOWN HALL OR REMOTE VIA ZOOM WITH TELEPHONE AND/OR VIDEO ACCESS. THOSE PARTICIPATING MAY SPEAK DURING THE DESIGNATED PERIODS.**

To join the meeting remotely, use this link:

<https://us02web.zoom.us/j/9190265312>

**Meeting ID:** 919 026 5312

**Or call:** 1 929 205 6099

## Planning & Zoning Administrator

J. B. Weir

## Town Administrator

York Haverkamp

## Town Clerk

Jennifer Peterson

## Town Treasurer

Steve Lewis

## Waitsfield Town Office

4144 Main Street  
Waitsfield, VT 05673  
(802) 496-2218  
[www.waitsfieldvt.us](http://www.waitsfieldvt.us)

1. CALL TO ORDER / ROLL CALL
2. REVISIONS TO AGENDA, IF ANY (5 +/- min)
3. PUBLIC FORUM (10 +/- min)
4. APPROVAL OF MINUTES –SEPTEMBER 16 (10 +/- min)
5. VILLAGE MASTER PLAN UPDATE (30 +/-min) AnnMarie/JB
6. CVRPC UPDATE (10 +/- min) Alice
7. WASTEWATER PLANNING PROJECT UPDATE (15 +/- min) JB/Bob
8. 2025-2026 WORK PLAN (30 +/- min)
  - a) Town Plan
  - b) Short-Term Rentals
9. OTHER BUSINESS (10+/-min)
10. ADJOURNMENT

**Waitsfield Planning and Zoning Administrators Report  
Planning Commission October 7, 2025 meeting**

**5. Village Master Plan**

The core team met with Alex on 9/22 to discuss the early stages of the final master plan deliverable and next steps, along with the Governor's Executive Order No. 06-25. SE Group is working on the final Master Plan document which be completed later this fall/early winter. The core team received a sneak peak of its very initial phase and please with the layout and concepts. Alex will present the master plan to the full Planning Commission this winter.

One of the hold-ups in drafting the final deliverable remains the lack of clarity on a path forward from the Wetlands Division. We have yet to have a follow-up from Shannon Morrison aside from her recognition of receipt of the VMPCS letter from late summer.

In the meantime, Governor Phil Scott issues Executive Order No. 06-25 on September 17<sup>th</sup>. This order may be the most ambitious reform effort to date designed to address Vermont's inadequate housing supply through various regulatory, policy and administrative reforms. A copy of the full executive order is included in the packet. The executive order focuses on areas within the purview of the Governor's executive authority and implements steps designed to facilitate the timely review, approval and construction of housing across Vermont. A summary of the order's key elements follows:

**Building Energy Code Reform:**

- Due to the increased costs of complying with the 2024 Residential Building Energy Standards and Commercial Building Energy Standards, building construction projects commencing on or After July 1, 2024 shall have the option of complying, instead, with the 2020 RBES and CBES.
- The Department of Public Service will submit a report by May 31, 2026 analyzing the cost impacts of the RBES and CBES on housing affordability.

**Expedited Permitting and Review Processes:**

- All state agencies and departments, and boards and commissions with a majority of members appointed by the Governor, will prioritize the review of applications for residential housing projects.
- Discretionary review periods should be reduced with the goal of halving the time to review and approve housing projects.
- Review applications relating to the same project concurrently instead of sequentially.
- Decisions to be issued within 60 days of hearing completion for housing projects.

- Administratively and technically complete permit applications for housing projects to receive priority processing ahead of other non-housing projects.

#### Environmental Review Streamlining:

- For housing and mixed-use projects with a housing component located in key areas designated for development and growth, Class II wetlands are limited to those features identified on the most current VSWI maps, with no state permits required for impacts to unmapped Class II wetlands. Class II wetland buffers reduced to 25 feet.
- Request that the judiciary prioritize and expedite residential housing appeals.
- Collaboration and coordination across state agencies to improve and expedite the revitalization or building of housing units.

#### State Land Utilization

- Each state agency or department owning real property to submit inventory of un- and under-utilized properties suitable for multi-family housing, housing infill, mobile home park and shelter construction and rehabilitation.
- Development of streamlined procedures for utilizing surplus state land suitable for housing.

#### Brownfields and Contaminated Sites:

- Extension of 2019 Brownfields Economic Revitalization Alliance (BERA) Program directed at facilitation of environmental mitigation and redevelopment of brownfields.

Per one article, “Some of these reforms should generate results almost immediately. The practical effect of other measures will be better known as they are implemented. Overall, however, this Executive Order should bend the regulatory curve for housing projects in Vermont. While broader legislative reforms are still needed, Governor Scott’s Executive Order is an important step in the right direction in addressing Vermont’s pervasive housing shortage.”

The Times-Argus article on the Order can be found [here](#).

The PZA and Joshua Schwartz used two days to submit a Community Development Block Grant for Disaster Recovery for culvert and wetland work adjacent to the Carroll Road/Main Street intersection. This effort is meant to dovetail with our master planning work. Monies are sought for the potential acquisition of small parcel immediately to the south of Carroll Road. The property potentially serves as an opportunity to enhance recently-compromised wetlands adjacent to the Winter Park boardwalk / conservation area. In addition, the Town seeks to upgrade the existing culvert and conduct an assessment on the functionality of the Town pond. Aside from utilizing available State monies to upgrade the culvert, the hope is that this endeavor might show the Wetlands Division that the Town is intent on protecting the flood resiliency of the lower Bridge Street area if allowed to impact up to 15% of lower-functioning wetlands as

proposed in the pending master plan. The PZA has updated Shannon Morrisson on this application and has not heard back.

The next meeting of the VMPSC will occur in the second or third week of October.

The project website can be found [here](#).

## **7. Wastewater Project Update**

On September 24<sup>th</sup>, the project team held a workshop with members of the Selectboard. The purpose of the workshop was to bring the Selectboard up to speed on where we are and what must be done to bring the project to fruition. The meeting was a success. After a presentation from Joshua Schwartz, Chach Curtis took the reins to discuss final funding of the project. The presentation slides are included in the packet. The recording of the meeting is split into two parts after an unknown error on Zoom. Those recordings can be found here:

- 1) Part One [here](#)
- 2) Part Two [here](#)

Town staff will be submitting a full application for the Northern Borders Regional Commission Catalyst Program for fall funding, due October 10<sup>th</sup>. Program details can be found [here](#). The Town submitted a pre-application on 8/29 which was approved for final application. The Town put in a request for \$1 million project segment that includes collection up to and including the Waitsfield Elementary School. The estimated cost of that phase – including the pump station and collection piping – is approximately \$2.5 million.

The PZA will be reaching to several landowners for permission for our engineers to enter upon their land to conduct archaeological assessments as required by the Department of Historic Preservation. In the meantime, the project team will be coming up with a plan to meet with each of the 70 priority-parcel landowners in order to visit the properties and identify the plumbing location and depth thereof. This will be an integral part in completion of final design.

## **8. PC Work Plan**

### **Town Plan Update**

Per the CVRPC Consultation letter issued after adoption of the 2023 Town Plan, “When CVRPC staff reviewed the Waitsfield Town Plan they noted the following opportunity to improve its conformance with State Planning Goal #13: ‘Given the current shortage of childcare services in Vermont, and the resulting pressure it places on young families, we recommend that a goal,



policy and/or action that aligns with State Planning Goal 13 is included in the plan.’ As discussed in our consultation meeting, including language of the new childcare facility in Waitsfield, any role the town played in supporting that action, and the formalization of that work as part of the plan’s goals or strategies, will result in a stronger plan that is in close alignment with the state’s planning goals. During the Waitsfield Town Plan approval process, the Board of Commissioners indicated that for the town to retain confirmation of its planning process, progress toward meeting State Planning Goal 13 will need to be documented in the town plan before CVRPC completes its next consultation in 2027.

As discussed at last meeting, the PC agreed to submit required childcare requirement as an amendment to the Town Plan thereby receiving another four years to submit a new Plan. This would allow the Town more time to create an updated Plan that addresses the various changes in State planning efforts.

The PZA submits that the Goal/Policy/Task for supporting childcare be placed in Chapter 7 of the Town Plan. The Town has shown strong support for both the Neck of the Woods (NOW) program and the recently-closed Waitsfield Children’s Center (WCC). Prior to the closing of the WCC, the Town had agreed to provide \$25,000 of ARPA monies to each of WCC and NOW for various upgrades and/or improvements. When the WCC faced closure in 2023, NOW stepped up to absorb all the children and staff. At this point, the Town agreed to shift to NOW the remaining monies allocated to WCC. The Town has demonstrated very strong support of the childcare industry in Town with substantial allocation of ARPA monies. In addition, the Town has waived fees associated with permitting for both entities over the years.

*The PZA will work on draft language for a new Goal/Policy and Task to satisfy State Planning Goal #13 for the Town Plan amendment.*

### Short-Term Rentals

Last meeting included a lengthy discussion on STRs and what path forward might be recommended by the PC. It has been agreed to that the better model for the Town would be akin to that of Warren. The Warren ordinance is again included in the packet.

*The PZA recommends that the PC come up with a timeline for recommendations in addition to a living document that clearly identifies the goals of regulation and the policies and tasks necessary to achieve those goals.*

The PZA offers some basic legal considerations for STR operators in the State:

- **Licensing and Registration:** Compliance with state and local licensing and registration requirements is essential. If a property is rented for a total of fifteen or more days in one calendar year, the owner must remit Vermont Meals and Rooms Tax to the Vermont Department of Taxes and, in most instances, obtain a Vermont Meals and Rooms Tax Account. If a person operates three or more units as short-term rentals on the same property, or if the operator intends to serve food at a short-term rental, then a Vermont Department of Health Lodging License is required, and meals served are subject to a separate tax.
- **Fire and Life Safety Regulations:** Compliance with all Vermont fire and life safety codes and regulations is paramount to ensure the well-being of guests. Rented properties must be inspected by the Division of Fire Safety for compliance with Residential Rental Housing Health and Safety Code. Failure to comply with the code can result in the imposition of fines and liability for any resulting injury or damages. Of particular note, 20 V.S.A. § 2734(d), provides that “violation of any rule adopted under this subchapter shall be prima facie evidence of negligence in any civil action for damage or injury that is the result of the violation.” Common violations include non-complaint egress windows in bedrooms, lack of interconnected, hardwired, photoelectric smoke and carbon dioxide alarms, non-complaint handrails along stairways, improperly installed or cleaned dryer vents and missing or malfunctioning fire extinguishers.
- **Advertising:** Operators of short-term rentals who advertise on any online platform are required to post their Vermont Meals and Rooms Tax account numbers on all advertisements. If, however, the short-term rental operator advertises on an online platform that has an agreement with the Department of Taxes to collect and remit tax on behalf of its operators, such as Airbnb.com, then the operator may post the Vermont Meals and Rooms Tax account number used by that platform on its advertisement. When using the platform’s tax account number, there is no need to obtain a separate Vermont Meals and Rooms Tax account.
- **Zoning and Land Use:** Understanding local zoning ordinances is vital to ensure legal operation. Some municipalities restrict short-term rentals to owner-occupied properties or impose additional restrictions. Advertising must be limited to the number of approved bedrooms consistent with the State of Vermont Wastewater and Potable Water Supply Permit. If a property qualifies for the “Clean Slate” Exemption (Section 1-303 of the Vermont Wastewater and Potable Water Supply Rules) and does not have a Wastewater and Potable Water Supply Permit, occupancy should be limited to the number of bedrooms in the property as of January 1, 2007. Municipal assessment records may provide evidence of the number of bedrooms at that time.
- **Tax Compliance:** Accurate and timely tax remittance is crucial to avoid penalties. This includes, but is not limited to, the obligation to collect and remit Vermont Meals and Rooms Tax to the Vermont Department of Taxes. Municipalities may impose additional

taxes; for example, the City of Burlington collects a 9% gross receipts tax on revenue earned from short term rental activity.

- **Liability and Insurance:** Adequate insurance coverage is necessary to protect against potential liability. Depending on the nature of the property, it may be prudent to transfer ownership to a limited liability company (LLC) or another entity that affords a liability shield.

One article from the Harvard Business Review, entitled “*What Does Banning Short-Term Rentals Really Accomplish,*” can be found [here](#).

The PZA has included in the packet a paper from the National League of Cities entitled “Short-Term Rental Regulations: A Guide for Local Governments.”

## **10. Other Business**

Jonathan may have an update on the Mad River Valley Planning District.

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Upcoming trainings/webinars:

**VTDEC’s Drop-In Discussions** are informal gatherings on the third Thursday of the month from 9 – 10 am hosted by VTDEC’s River Corridor and Floodplain Protection program. No registration is required. Come on by!

The discussions support the work of municipal officials who are responsible for floodplain and river corridor regulations, and others who are involved in the work of flood resilience in Vermont. To support casual dialogue the discussions are not recorded.

If you have questions about the event, or using Teams, feel free to reach out to [toned.swanberg@vermont.gov](mailto:toned.swanberg@vermont.gov) or [tessa.yip@vermont.gov](mailto:tessa.yip@vermont.gov)

Future invitations to the Drop In Discussions will be posted to the Flood Resilience Listserv and also as News on [www.floodready.vt.gov](http://www.floodready.vt.gov)

And – let’s talk about what’s on your mind! Your feedback and suggestions are requested.

[Join the meeting now](#)

Meeting ID: 211 704 798 739

Passcode: N9BU9kf6

Dial in by phone

+1 802-828-7667,942347713# United States, Montpelier

Find a local number

Phone conference ID: 942 347 713#

### **Living with Bears**

Living with bears takes a community! Join us for a discussion about Vermont's black bears and what individuals and communities can do to better share Vermont with these curious and powerful animals. We will discuss bear biology, ecology, the factors that bring bears into our communities, and what we can do to resolve ongoing issues and prevent future conflicts with bears. Participants will leave this workshop with specific action items they can implement at home and in their community.

Dates: Repeat sessions of this webinar will be offered on the following two dates:

Session 2: Thursday, November 6th, 2025 10:00 a.m. - 11:00 a.m. [Register](#)

Presenters:

Jaclyn Comeau, Black Bear Project Leader, VT Fish & Wildlife Department; Jens Hilke, Conservation Planner, VT Fish & Wildlife Department

### **Developing an Outreach Plan to Celebrate your Town's Woods, Wetlands and Wildlife**

It can be daunting to plan the outreach for a series of events or plan an outreach strategy that may lead up to a proposed municipal change, sometimes years in the making. In this webinar you'll learn more about creating an outreach plan with multiple events, separating messages for different audiences and identifying an over-arching theme that helps tie the series together. The panel of presenters includes Elise Schadler and Jens Hilke with years of municipal technical assistance experience and Megan Davin a Communications and Outreach specialist. Join us for this exciting event to help improve your commission's communications.

Date & Time:

Repeat sessions of this webinar will be offered on the following two dates:

Session 1: Wednesday, October 22nd 2025, 2:00 p.m. - 3:00 p.m. [Register](#)

Session 2: Thursday, December 4th 2025, 1:00 p.m. - 2:00 p.m. [Register](#)

Presenters:

Elise Schadler, Program Manager VT Urban & Community Forestry Program, Vermont Department of Forests, Parks & Recreation; Megan Davin, Communications and Outreach Specialist, Vermont Department of Forests, Parks & Recreation; Jens Hilke, Conservation Planner, VT Fish & Wildlife Department

## **Using Overlay Districts to Protect Connecting Habitat**

Connecting habitat has emerged over the last twenty years as an important issue to plan for to maintain Vermont's biological diversity and provide resilience in the face of changing climate. Many of us gravitate toward the use of Overlay Districts as an important regulatory tool in maintaining this sort of pattern on the landscape. There are a variety of municipal tools that could be used to address land use pattern and it can be helpful to review all of the options before deciding on one. In this webinar, we'll address the pros and cons of Overlay Districts for protecting habitat connectivity and use real world case studies to see what has worked.

Date & Time: Repeat sessions of this webinar will be offered on the following two dates:

Session 1: Friday, October 17th 2025, 1:00 p.m. - 2:00 p.m. [Register](#)

Session 2: Tuesday, November 18th 2025, 10:00 a.m. - 11:00 a.m. [Register](#)

Presenters: Jens Hilke, Conservation Planner, VT Fish & Wildlife Department

## **Vermont's Land Conservation: Where Do We Go From Here?**

Vermont has an incredible track record of protecting land for people and nature. Using the Conserved Lands Inventory developed by Vermont Housing & Conservation Board as part of Vermont's 30x30 effort, we reflect on the distribution of permanently conserved lands around the state, and how those lands intersect our most ecologically important places seen in Vermont Conservation Design. By looking at these past patterns, we can celebrate the work by federal, state, town, and NGOs. We can also reflect on the types of lands and parts of the state that have been historically under-represented in our land conservation investments, and prioritize future places to work for both people and nature. Join us for this exciting webinar to learn how your town's efforts can contribute to making our conserved lands more diverse, equitable, and ecologically impactful.

Dates: Repeat sessions of this webinar will be offered on the following two dates:

Session 1: Wednesday, October 8th 2025, 11:00 a.m. - 12:00 p.m. [Register](#)

Session 2: Wednesday, November 12th 2025, 1:00 p.m. - 2:00 p.m. [Register](#)

Presenters: Bob Zaino, Ecologist, VT Fish & Wildlife Department; Jens Hilke, Conservation Planner, VT Fish & Wildlife Department

## **State and Local Government Municipal Day**

A day of Workshops for Vermont's Officials and Volunteers –

Friday October 17, 2025, from 7:45 am - 3:45 pm

1 National Life Drive, Montpelier

The Agency of Natural Resources (ANR) invites you to participate in a day-long event of informational trainings for municipalities, an opening session with keynote speaker Sarah Waring (Executive Director of the Northern Border Regional Commission), and networking opportunities with colleagues from across Vermont.

This year, the event will be focused on preparing our cities and towns for the uncertainty caused by changes being made by the federal government.

In addition to ANR, the event is hosted in cooperation with the Agency of Commerce and Community Development, Land Use Review Board, Agency of Transportation, Agency of Agriculture Food & Markets, Vermont Emergency Management, and several partner organizations.

The \$35 registration fee, payable by credit card, includes morning coffee/tea, pastries, and a buffet lunch.

Space is limited and pre-registration is required!

TO REGISTER:

Review the full agenda and workshop descriptions on our website -

<https://anr.vermont.gov/special-topics/municipal-day>

Link directly to online registration - <https://www.eventbrite.com/e/2025-state-and-local-government-municipal-day-tickets-1562615929309?aff=oddtcreator>

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Respectfully submitted,

J.B. Weir

**TOWN OF WAITSFIELD, VERMONT**  
**Planning Commission Meeting Minutes**  
**Tuesday, September 16, 2025**  
**Draft**

**Members Present:** Beth Cook, Emma Hanson, AnnMarie Harmon, Becca Newhall, Jonathan Ursprung  
**Members Absent:** Bob Cook, Alice Peal  
**Staff Present:** JB Weir, Zoning Administrator  
**Others Present:** None

**II. Regular Business**

**1. Call to Order**

The meeting was called to order at 7:00 pm by Jonathan Ursprung. The meeting was held in person at the Town Offices and remotely via Zoom.

**2. Review agenda for addition, removal, or adjustment of any items**

It was noted that Alice was not present, and so no CVRPC update would take place.

**3. Public Forum**

Nobody requested an opportunity to comment.

**4. Approval of Minutes**

The Minutes of September 2, 2025 were approved.

**5. Village Master Plan Update**

AnnMarie reported that another response had been received from Shannon Morrison, in which she indicated that she is discussing Waitsfield's concerns with her supervisor and others. Shannon also stated that there is no moratorium in place on Wetlands permitting in Irasville, and that the reason she wanted to see a Master Plan was so that the Town would better understand the implications of their planning work.

It was also noted that no further response had been received from Mike of the Army Corps, but he has indicated that he will get back to the Steering Committee regarding cumulative impacts on Irasville wetlands.

The Steering Committee meeting for September has been cancelled, but the core group will be meeting before the end of the month.

JB explained that he has informed Shannon of the Community Development Block Grant being applied for, and outlined that the work proposed under that application includes replacement of an aging culvert under Carroll Road with either a box culvert or potentially a bridge, acquisition of the property at the corner of Carroll Road and Main Street, and restoration of the Town's stormwater pond.

It was agreed that it is likely better to wait for a future Municipal Planning Grant round before applying for further Master Plan work through that program.

**6. CVRPC Update**

Alice was not at the meeting, and no update was provided.

## **7. Wastewater Planning Project Update**

JB reported that there would be a meeting the next day with Dubois & King and Simon Operations regarding the running of the system, and that a kickoff meeting of the Project's Finance Committee had been held. This group will be looking at opportunities and strategies for obtaining further funding for the Project.

He also noted that:

- On September 24, the Wastewater Project Team will be meeting with the Selectboard for an extensive presentation.
- The Town has signed the offer provided by USDA, but is not yet obligated to take the funds; this is to be applied towards construction of the first phase, from Fiddler's Green to the former TD Bank building.
- An application is planned for the Northern Borders Regional Commission, to apply towards construction of the second phase, from the TD Bank building to the Elementary School.
- He will be providing an update for the School Board on September 24.
- Design work is ongoing, as scheduled.

## **8. Vermont Local Level Outdoor Recreation Impact Project**

JB noted that an update was provided in the meeting packet, and summarized that the final toolkit is not yet available, but that he hopes to have a presentation on the use of that kit at an upcoming meeting. The data has all been provided, and a report from SE Group is expected by the end of September. AnnMarie suggested that the report may contain information to be included in the Town Plan.

## **9. 2025-2026 Work Plan**

Town Plan – It was agreed that it will not be a large undertaking to provide language regarding support for child care services, JB will be able to draft something for review. It was also confirmed that this update will be approached as an amendment, approval of which by the RPC will allow for another four years before a full Town Plan update is due. It was outlined that the PC will work on finalizing the language and go through amendment process over the next couple of months.

Short Term Rentals – Emma had provided a summary of existing regulations from various locations in both the US and Canada.

There was an extensive discussion regarding the regulation of STRs, with the following points generally agreed upon:

- Ensuring renters' safety through implementation of a requirement that rented units must be certified to fire code
- Other safety measures, such as maximum occupancies, parking requirements, and a provision of a local point of contact are also reasonable requirements
- The need to appropriately define STRs
- Members will follow up with the MRVPD and Warren to learn more about the software being used by Warren for their STR regulation

Other aspects of STR regulations were also discussed:



- Initially establishing regulations regarding safety, followed by further discussions regarding limitations on the number of STRs allowed in Town
  - Based upon location
  - Based upon ratio of STRs to full-time residences
- Grandfathering of existing STRs if limitations are imposed
- The importance of temporarily renting for some homeowners, who have depended upon holiday demand to provide related income
- The need to understand the current situation and various impacts of STRs before determining regulatory details
- Potential for differentiation between renting a room in one's home and renting a full living space
- Enforcement considerations, and whether a staff person or more constable/sheriff support might be required
- Allowance for complaints to provide a route for revocation of STR permit
- The possibility of managing STRs through Zoning Permits
- Potentially including seasonal rentals in any fire code/safety requirements
- Clarifying the impact of STRs on area inns

Jonathan outlined that the PC will be putting together suggestions for the Selectboard regarding the issue, and it was agreed that a better understanding of what currently exists for STRs in Waitsfield is needed before proceeding.

#### **10. Other Business**

No other business was addressed.

#### **11. Adjournment**

The meeting adjourned at 8:49 pm.

Respectfully submitted,  
Carol Chamberlin, Recording Secretary

**STATE OF VERMONT**

**EXECUTIVE DEPARTMENT**

**EXECUTIVE ORDER NO. 06-25**

**[Promoting Housing Construction and Rehabilitation]**

**WHEREAS**, the persistent application of well-intentioned, but now counterproductive land use regulations, energy policies, taxes and fees have resulted in a severe shortage of quality, affordable housing that is undermining the state's economic future, ability to attract and retain working families, and the availability of good jobs; and

**WHEREAS**, without action the Housing Unit Deficit will continue to grow, exacerbating our demographic crisis, weakening Vermont's economy, and leaving fewer resources for education, healthcare, social services, transportation infrastructure, as well as supportive housing, recovery housing and emergency shelters, while the costs of all these essential services continue to rise; and

**WHEREAS**, when first elected I worked with the Legislature to pass what was, at the time, the largest investment in housing in the state's history, including a \$37 million "Housing for All" bond in 2017 (FY18), emphasizing both funding and regulatory reform in all legislative sessions since; and

**WHEREAS**, for the period 2021-2024, \$338 million of onetime relief and recovery money was put into housing initiatives, on top of \$118 million of traditional investments in housing, for a total of more than \$456 million; and

**WHEREAS**, these post-pandemic investments have created or preserved about 2,000 units of permanent housing to date, and the Administration expects to create or preserve about 1,000 more by the end of 2027, for a total of about 3,000 state-supported housing units for the period 2021-2027; and

**WHEREAS**, in this time, largely in response to multiple emergencies, we've learned to be much more nimble, and resourceful; and

**WHEREAS**, new and now proven tools include the Vermont Housing Improvement Program, capable of rehabilitating unsafe and underutilized units, or converting commercial space to residential, with an average state investment of roughly \$40,000 per unit, creating about 700 units since 2021 with nearly 500 more in the pipeline; the Middle Income Homeownership Development Program and the Rental Revolving Loan Fund, supporting construction of new homes for middle income households; the Manufactured Home Improvement and Repair Program, creating or improving lots for about 200 units at an average cost of about \$14,000 per lot, and repairing 333 homes since 2023 at a cost of less than \$13,000 per unit; Healthy Homes which has invested nearly \$42 million to improve drinking water and wastewater service at the

homes of more than 7,000 low-income Vermonters; and the Rapid Response Mobile Home Infill Program which has created 100 new mobile home sites and placed 100 new, energy efficient mobile homes across the State at a cost of \$130,000 per unit in less than two years; and

**WHEREAS**, the Vermont Housing and Conservation Board, the Vermont Housing Finance Agency, the Vermont Community Development Program, and other funders continue to fund dozens of new affordable housing units per year with hundreds of new affordable housing units in the pipeline slated for construction or completion through the end of 2027, often at a total development cost of \$600,000 per unit, and hundreds of existing affordable units are funded for rehabilitation or preservation each year; and

**WHEREAS**, despite this unprecedented, focused commitment of state resources, there remains an annual statewide Housing Unit Deficit of over 5,000 units as identified by the [Vermont Housing Needs Assessment](#), which can only be addressed through more private investment, and substantial regulatory reform; and

**WHEREAS**, over the last several years, many of Vermont's state, local, and federal leaders have called for action on housing, citing a housing crisis; and

**WHEREAS**, despite the clear, urgent need to reduce the cost of housing, and to retain and recruit new working families by rehabilitating or building many more housing units each year, Vermont's Legislature, in passing Act 181 of the Laws of 2024 over my veto, expanded Act 250 regulation, and offered only certain limited and short-term exemptions and a restrictive and geographically narrow framework for future long-term exemptions; and

**WHEREAS**, regulatory barriers, lengthy and costly multi-tiered permitting processes, unpredictable appeal processes, and unaffordable and technically challenging energy standards significantly increase construction costs, delay timelines, impair economic opportunity, and exacerbate Vermont's demographic and affordability crises; and

**WHEREAS**, optimizing total permitting time, modernizing and coordinating permitting processes, and better utilizing technology to improve efficiency, will benefit both Vermonters and Vermont's environment; and

**WHEREAS**, frivolous zoning appeals and case backlogs in our courts are a deterrent to private capital investments in housing; and

**WHEREAS**, accelerated executive action is needed to address the critical housing shortage and the compounding consequences of policies that no longer serve Vermont's best interests; and

**WHEREAS**, in accordance with the Vermont Constitution Chapter II, Sections 3 and 20, 3 V.S.A. § 209, § 2001, and § 2102 and 32 V.S.A. § 704a, the Governor has authority to direct executive agency actions and operations to prioritize support for housing development, reduce

unnecessary obstacles and require administration of state programs in an efficient, effective and fiscally prudent manner; and

**WHEREAS**, the Governor, through the Commissioner of the Department of Public Service, has discretion to ensure reasonable, affordable, achievable and sustainable building standards for Vermont residents and builders; and

**WHEREAS**, 30 V.S.A. § 202a establishes the general energy policy of the state is to, among other things, “ensure to the greatest extent practicable that Vermont can meet its energy service needs in a manner that is adequate, reliable, secure, and sustainable; that ensures affordability and encourages the State's economic vitality”; and

**WHEREAS**, 30 V.S.A. § 51 requires amendments to the Residential Building Energy Standards (RBES) to be consistent with both state energy policy and state housing policy, and cost-effective and affordable from the consumer’s perspective; and

**WHEREAS**, Act 151 of the Laws of 2024 allowed the Commissioner of Public Service to “direct the timely and appropriate revision of the RBES” after the issuance of updated standards for residential construction under the International Energy Conservation Code (IECC); and

**WHEREAS**, Vermont homeowners, builders, and economic development professionals have raised significant concerns about the Residential Building Energy Standards (RBES) and Commercial Building Energy Standards (CBES), specifically the unreasonable costs to comply, feasibility, readiness related to training of professionals, and the very negative impacts on housing affordability; and

**WHEREAS**, using discretion granted in Title 30, Vermont must take into consideration both state energy policy and state housing policy, cost-effectiveness and affordability from a working Vermonter’s perspective – as well as the State's overall economic competitiveness and vitality -- it is appropriate to allow homeowners, builders and contractors to comply with the 2020 or 2024 RBES and CBES; and

**WHEREAS**, this compliance flexibility, which shall be paired with education and training by the Department of Public Service and the Division of Fire Safety, will provide flexibility to reduce construction costs, and exceed the standards implemented in most states; and

**WHEREAS**, under 10 V.S.A. § 914, the Secretary of Natural Resources has discretionary authority to make wetland determinations and designate unmapped Class II wetlands (“The Secretary may, upon a petition or on his or her own motion, determine whether any wetland is a Class II ...”) and similarly has the ability to modify the required width of buffers surrounding Class II wetlands in appropriate instances; and

**WHEREAS**, I have determined that using this authority to limit wetlands permitting oversight to consider only mapped Class II wetlands as they currently appear in the most-current Vermont Significant Wetlands Inventory (VSWI) when issuing wetland permitting decisions for housing,

as well as mixed use projects in designated growth areas, will provide greater regulatory certainty, and expedite review timelines, consistent with recent legislative efforts, such as Act 47 of the Laws of 2023, the Vermont Home Act, intended to reduce the regulatory burden for infill development and responsible growth; and

**WHEREAS**, this Executive Order also prioritizes housing unit generation through accelerated and streamlined regulatory review while maintaining environmental protections and legal compliance.

**NOW, THEREFORE**, I, Philip B. Scott, Governor of the State of Vermont, by virtue of the authority vested in me by the Vermont Constitution and the laws of this State, do hereby order as follows:

## **Section I: Building Energy Code Reform**

### **1.1 Reinstatement of 2020 Standards**

- All persons commencing building construction projects on July 1, 2024 or after shall have the option of complying with the 2020 Vermont Residential Building Energy Standards (RBES), Commercial Building Energy Standards (CBES), including the 2020 Stretch Code, *or* the 2024 RBES and CBES.
- The Land Use Review Board shall update Act 250 materials to reflect that the 2020 Stretch Code is permissible.
- Materials provided by the Commissioner of Public Service shall inform and allow for either building energy standard and specify that the flexibility is intended to be used to make housing more affordable for the buyer.
- The Department of Public Service and the Agency of Commerce and Community Development shall both immediately notify the public, municipalities, builders, and other stakeholders of this option.
- The Department of Public Service, in coordination with other relevant state agencies, shall continue trainings and encourage voluntary compliance with the 2020 or 2024 building energy standards.

### **1.2 Implementation Review**

- By May 31, 2026, the Department of Public Service shall submit a report advisory to the Governor analyzing:
  - Cost impacts of the RBES and CBES on housing affordability;
  - Compliance with 2020 codes and information from the small sample size of 2024 compliant builds;
  - Recommended modifications to balance energy goals with increased housing unit revitalization *and* new unit production as it relates to future building energy code updates, and any other energy-related considerations of significance; and
  - Energy code standards implemented across the mid-Atlantic Region and New England to assess regional consistency and Vermont's competitiveness.

## **Section II: Expedited Permitting and Review Processes**

**2.1 Shortened Review Timelines** All state agencies and departments, and boards and commissions with a majority of members appointed by the Governor with housing-related permitting authority shall:

- Prioritize residential housing, including mobile home, and shelter applications for review.
- Establish timelines for review periods for all regulatory processes currently operating without them.
- Hear only testimony necessary for a full and fair determination of the proceeding to ensure expedited proceedings.
- Reduce discretionary (as opposed to minimum mandatory) review periods, with a goal of reducing the timeline by 50% for residential housing and shelter projects, considering minimum mandatory notice and comment periods.
- Adhere to timelines for housing and emergency shelter developments, and if exceeded, the failure of the public body to issue a decision within the applicable period shall be deemed approved unless an extension is legally required.
- Concurrently process multiple permits rather than require sequential review. This shall include the Land Use Review Board which shall process Act 250 permits concurrently with, but subject to, other agency permitting processes.
- Issue decisions within 60 days of hearing completion for housing - including, but not limited to, mobile home projects, shelter projects, and mixed-use projects.

**2.2 Fee Relief for Housing Projects** State agencies and departments, and boards and commissions with a majority of members appointed by the Governor with housing-related permitting authority are directed to:

- Forward for consideration in the policy and budget development process proposals to reduce permitting fees for multi-family housing projects, including mobile home communities and mixed-use projects with a housing component, funded in whole or in part with state general fund appropriations and producing a majority of its units in a price range, to be determined by the Secretary of the Agency of Commerce and Community Development, but not to exceed what the median working family in Vermont could reasonably afford.
- Allow deferred payment of fees until project completion for prioritized housing projects, as determined by the Secretary of Commerce and Community Development.
- No later than December 1, 2025 notify the Commissioner of the Department of Finance and Management of the forecasted fiscal management considerations, if any, of these changes.

**2.3 Priority Processing** Administratively and technically complete permit applications for multi-family housing, shelter and mobile home development, mixed-use projects with a multi-family housing component, and permits required in connection with multi-family rehabilitation projects shall receive priority processing ahead of other non-housing applications within each agency's workflow.

## **Section III: Environmental Review Streamlining**

**3.1 Wetlands Modification** For residential housing and mixed use projects that include a housing component in designated areas, such as Downtowns, Village Centers, New Town Centers, Growth Centers, Neighborhood Development areas, and Opportunity Zone areas served by public sewer, or with soils that are adequate for wastewater disposal, or extending to the terminus of the areas served by public sewer or water services if beyond area of the development district; areas that receive a Tier 1A or 1B designation under 10 V.S.A. §6033, and locations meeting the eligibility requirements established in 10 V.S.A § 6081(z) for an interim exemption from Act 250 permit or permit amendment requirements:

- Class II wetlands are limited to those features identified on the most current VSWI maps and no state wetland permits are required for impacts to unmapped Class II wetlands.
- Protective buffer zones around Class II wetlands are reduced to 25 feet.

Projects must comply with federal wetland requirements. Additionally, no later than February 1, 2026, the Agency of Natural Resources shall commence rulemaking to ensure that these wetland provisions are established in rule prior to the expiration of this Executive Order.

**3.2 Residential Housing Appeals** To the extent the Judiciary is willing to participate in this initiative, I request that the Judiciary, to the extent authorized in Chapter II, Sections 30 and 31 of the Vermont Constitution and the Vermont Statutes Annotated Title 10, prioritize and expedite residential housing appeals as the Executive may recommend and the Judiciary deems feasible.

**3.3 Streamlined Permitting Processes** It is essential all gubernatorial Appointees ensure greater collaboration and coordination across programs, departments and agencies to implement a Vermonter-focused land use permitting system explicitly intended to improve and expedite the experience to revitalize or build housing units.

- Permitting Modernization: Secretaries of the Agencies of Agriculture, Foods and Markets; Commerce and Community Development; Digital Services; Natural Resources; Transportation; and Public Safety; and Chair of the Land Use Review Board shall revisit and assess efforts to coordinate and streamline concurrent permitting application and review processes. Meetings shall be chaired by the Secretary of Commerce and Community Development, who shall schedule regular meetings to be held at least monthly, and more frequently as needed. The first meeting shall be held by October 1, 2025.
- The Secretary of the Agency of Digital Services shall designate a Project Manager to support this initiative.
- The assigned Cabinet members shall immediately establish a multi-disciplinary team (“MDT”) to provide increased coordination on existing multi-family housing projects (10 or more units) triggering multiple permit jurisdictions, and prioritizing projects in the counties of the state that have experienced the most substantial declines in the size of their working-age populations. The MDT shall meet every week, and additionally as needed, to streamline the permitting and approval processing for outstanding projects. The MDT shall be chaired by the Secretary of the Agency of Commerce and Community Development or designee.

- The Secretary of Commerce and Community Development shall include a status update on this initiative in Weekly Reports to the Governor including defining and reporting on Key Performance Indicators (“KPI”) for the functioning of the permitting system and the pace and location of housing unit revitalization and construction.
- The Secretary of Digital Services shall undertake and provide status reporting on the creation of a common entry system for the housing permitting process, to include an evaluation of the various state databases; how the data in each can more effectively communicate with another; what changes are necessary; and, the cost of establishing and maintaining a common entry system. The Secretary shall provide this report to the Governor by December 1, 2025.
- The Secretary of Natural Resources shall review and update guidance for high volume permitting programs associated with housing, including wetlands, stormwater, drinking water and wastewater, focusing on plain language and accessibility to the public. The Secretary shall publish a timeline for this review by November 1, 2025, and shall complete updates by July 1, 2026.

## **Section IV: State Land Utilization**

**4.1 Inventory of Available Properties** By December 1, 2025, each state agency and department owning real property shall submit to the Department of Buildings and General Services and the Department of Housing and Community Development:

- Complete inventory of un- and underutilized properties suitable for multi-family housing development, housing infill, mobile home park and shelter construction and rehabilitation, as defined by the Secretary of Commerce and Community Development.
- Assessment of multi-family housing development feasibility and infrastructure capacity.
- Recommendations for disposal or long-term lease arrangements to support meeting the State’s Housing Unit Generation goals.

**4.2 Expedited Disposal Process** The Department of Buildings and General Services and the Agency of Transportation shall develop streamlined procedures for utilizing surplus state land suitable for housing, including:

- Preference for homebuilders and housing developers in sale decisions.
- Below-market pricing for housing developments.
- Long term leases.

**4.3 Fire Safety Inventory** By December 1, 2025, the Division of Fire Safety in collaboration with local boards of health, shall produce an inventory by address of all substandard and suboptimal rental housing units reported or cited within the last three years.

## **Section V: Interagency Coordination**

**5.1 Governor’s Housing Leadership Team** This Housing Leadership Team, advisory to the Governor and modeled on Vermont’s nation-leading pandemic response, shall continue to meet bi-weekly, or as the Governor may require, and recommend to the Governor state and federal policies to improve housing availability, affordability and stability. The Leadership Team shall



provide regular reports on program progress, strategies, specific tactics and measurable performance metrics, operational hurdles and recommendations focused on regulatory and process reforms.

- The Governor’s Housing Leadership Team shall consist of the Secretaries of Commerce and Community Development, Transportation, Human Services, Natural Resources and the Commissioner of Public Safety or designees, as well as the Commissioner of the Department of Children and Families or a designee with a portfolio relevant to housing rehabilitation, shelter development or housing development, the Commissioner of the Department of Housing and Community Development and the Director of the Division of Fire Safety.
- The Leadership Team shall consult as needed with government and community stakeholders.
- The Secretary of the Agency of Commerce and Community Development or designee shall Chair the Leadership Team.
- The Secretary of Human Services, or designee shall report on specific and measurable interventions to reduce the number of Vermonters becoming homeless each year.

This Executive Order supersedes and replaces Executive Order No. 01-23, dated May 10, 2023 (codified as Executive Order 33-27) as of September 30, 2025.

## **Section VI: Brownfields and Contaminated Sites**

**6.1 Brownfields Economic Revitalization Alliance Program (BERA)** On October 9, 2019 I issued Executive Order 08-19 (codified as 10-47) which established the BERA Program to ensure effective and efficient planning related to hazard and environmental mitigation and permitting related to brownfields redevelopment through a “one-stop-shop” to assist landowners and developers with accessing State and federal resources, navigating regulations and permitting requirements and planning and coordinating the redevelopment of these properties on behalf of the people of Vermont.

- The Executive Order 08-19 and the BERA Program are hereby extended.
- No later than November 15, 2025, the BERA Program Executive Committee shall provide an annual report to the Governor on the status of the Coordinated Project Plans, as described in the Executive Order.
- No later than March 31, 2026, the BERA Program Executive Committee shall provide an annual report to the Governor on:
  - Current barriers to brownfields housing redevelopment;
  - Recommendations for improving the brownfields reuse process; and
  - Recommendations on how to consider technical feasibility, regional consistency, and economic impact when adopting state specific environmental media standards.

## **Section VII: Monitoring and Accountability**

**7.1 Performance Metrics** Each affected agency shall track and report to the Office of the Governor, and to the Department of Housing and Community Development quarterly, beginning January 1, 2026:

- Average permit processing times for multi-family housing projects, including mobile home projects, shelter projects, and mixed-use projects;
- Number of permits issued under expedited procedures;
- Fee revenue impacts and budget adjustments needed;
- Regulatory cycles simplified or shortened; and
- Regulatory barriers identified and resolved.

**7.2 Semi-Annual Review & Report** By January 31, 2026, and every six months thereafter, the Department of Housing and Community Development shall provide a comprehensive assessment of this Order's effectiveness in increasing housing production and reducing regulatory timelines and costs by analyzing the reporting of the affected agencies and departments.

## **Section VIII: Legal Safeguards and Limitations**

**8.1 Federal and Safety Compliance** Nothing in this Order is intended to limit the authority of state agencies and departments and boards and commissions with over 50% of the members appointed by the Governor or :

- Compromise essential health, safety, or environmental protections.
- Conflict with federal environmental laws or regulations.
- Reduce compliance with Americans with Disabilities Act requirements.
- Eliminate required public participation processes where legally mandated.

**8.2 Statutory Limitations** Nothing in this Order is intended to contravene the intent of the Legislature. Agencies shall:

- Identify statutory clarifications needed for effective implementation.
- Recommend emergency rulemaking where appropriate, with specific consideration of the critical housing shortage, the dire need to facilitate affordable housing and shelter construction and the imminent peril to public health, safety or welfare due to the lack of housing for Vermont's most vulnerable posed by regulatory barriers, lengthy and unpredictable permitting processes and unaffordable and often unachievable energy standards.

## **Section IX: Effectiveness And Duration**

This Executive Order takes effect immediately and shall remain in effect unless modified or extended by subsequent executive action.

Any agency unable to implement specific provisions due to legal constraints shall notify the Governor's office immediately with recommendations for alternative approaches.



**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of Vermont to be affixed this 17th day of September, 2025.

A handwritten signature in black ink, appearing to read "Phil Scott", written over a horizontal line.

Philip B. Scott  
Governor

**ATTEST:**

A handwritten signature in black ink, appearing to read "Jaye Pershing Johnson", written over a horizontal line.

Jaye Pershing Johnson  
Secretary of Civil and Military Affairs

EXECUTIVE ORDER 06-25

# Waitsfield Wastewater Infrastructure Project

## Selectboard Workshop

Wednesday, September 24, 2025

**York Haverkamp**, Waitsfield Town Administrator  
**JB Weir**, Waitsfield Planning & Zoning Administrator  
**Joshua Schwartz**, Wastewater Project Coordinator  
**Chach Curtis**, Waitsfield Selectboard



# Why Wastewater?

## Infrastructure & Community Needs

### Aging Systems

- 68% of Village parcels have septic systems nearing end-of-life within 20 years

### Public Health Risks

- 16% of leachfields in the service area overlap with private well shields, risking water contamination

### Environmental Vulnerability

- About 28% of systems lie in floodplains or river corridors, heightening pollution risk

### Housing Crisis

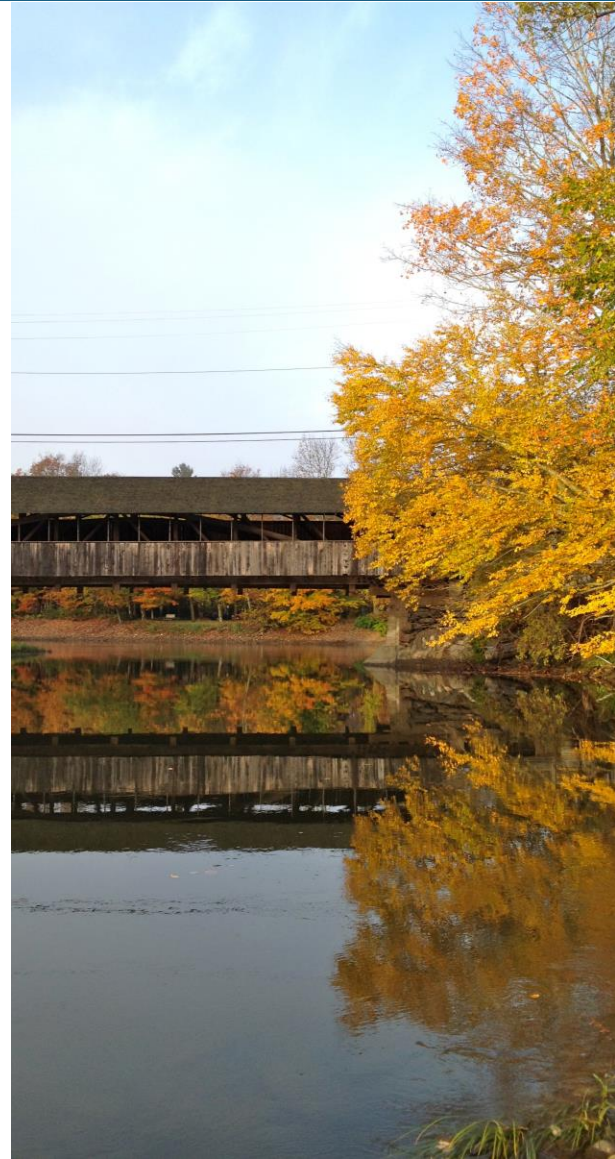
- Septic limitations are a significant barrier to new affordable, rental, & workforce housing

### Development Barriers

- Septic needs large lots—blocking compact, walkable neighborhoods and mixed-use buildings

### Financial Burden

- Replacing septic cost: \$30,000+
- Median household income in the service area is just \$34,608





# Wastewater Infrastructure

## Solutions for Today & Tomorrow



### **Replaces Failing Systems**

- Ends reliance on outdated septic

### **Protects Public Health**

- Keeps wastewater out of drinking water

### **Increases Resilience**

- Moves treatment out of flood zones

### **Enables Smart Growth**

- Supports compact, walkable development

### **Lightens Homeowner Load**

- Shifts maintenance to a shared utility

### **Tackles the Housing Crisis**

- Lays the groundwork for affordable, multifamily housing
- Helps Waitsfield grow with intention

### **Fuels the Local Economy**

- Makes shops, restaurants, and mixed-use buildings possible



# Waitsfield Wastewater Project

## Project Goals



- Protect environmental health
- Protect public health
- Offset the economic hardships of replacing private septic systems
- Increase housing options
- Support economic activity
- Incentivize compact growth in Waitsfield & Irasville Village
- Establish a wastewater system with affordable user rates and no impact on the Waitsfield municipal tax rate

# Waitsfield Wastewater Team

Joshua Schwartz

MRVPD Executive Director (*Project Coordinator*)

JB Weir

Waitsfield Planning & Zoning

Bob Cook

Waitsfield Planning Commission

Chach Curtis

Waitsfield Selectboard Member

York Haverkamp

Waitsfield Town Administrator

Jon Ashley, P.E.

DuBois & King Senior Vice President





# Design Components

- Collection Area: Irasville & Waitsfield Village
- Treatment & Disposal: Multi-stage treatment and in-ground disposal of 89,000 gallons per day at the town-owned Munn Site (Kingsbury Rd.)



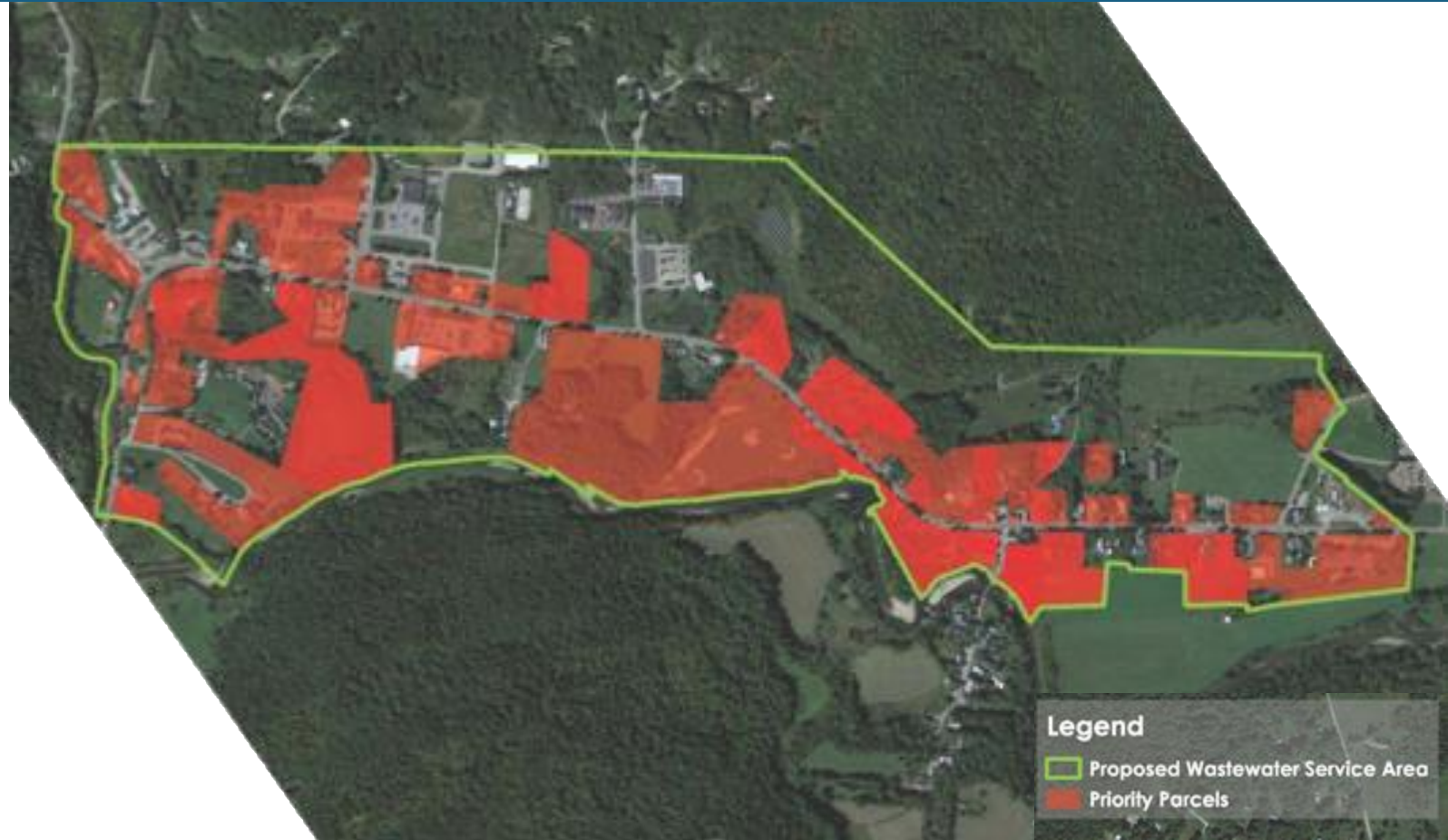
# Connections

Priority connections for parcels with leach fields that are one or more:

- 40 or more years old
- located in a mapped floodplain
- located in the River Corridor
- Located within well shields for existing private and public drinking water wells

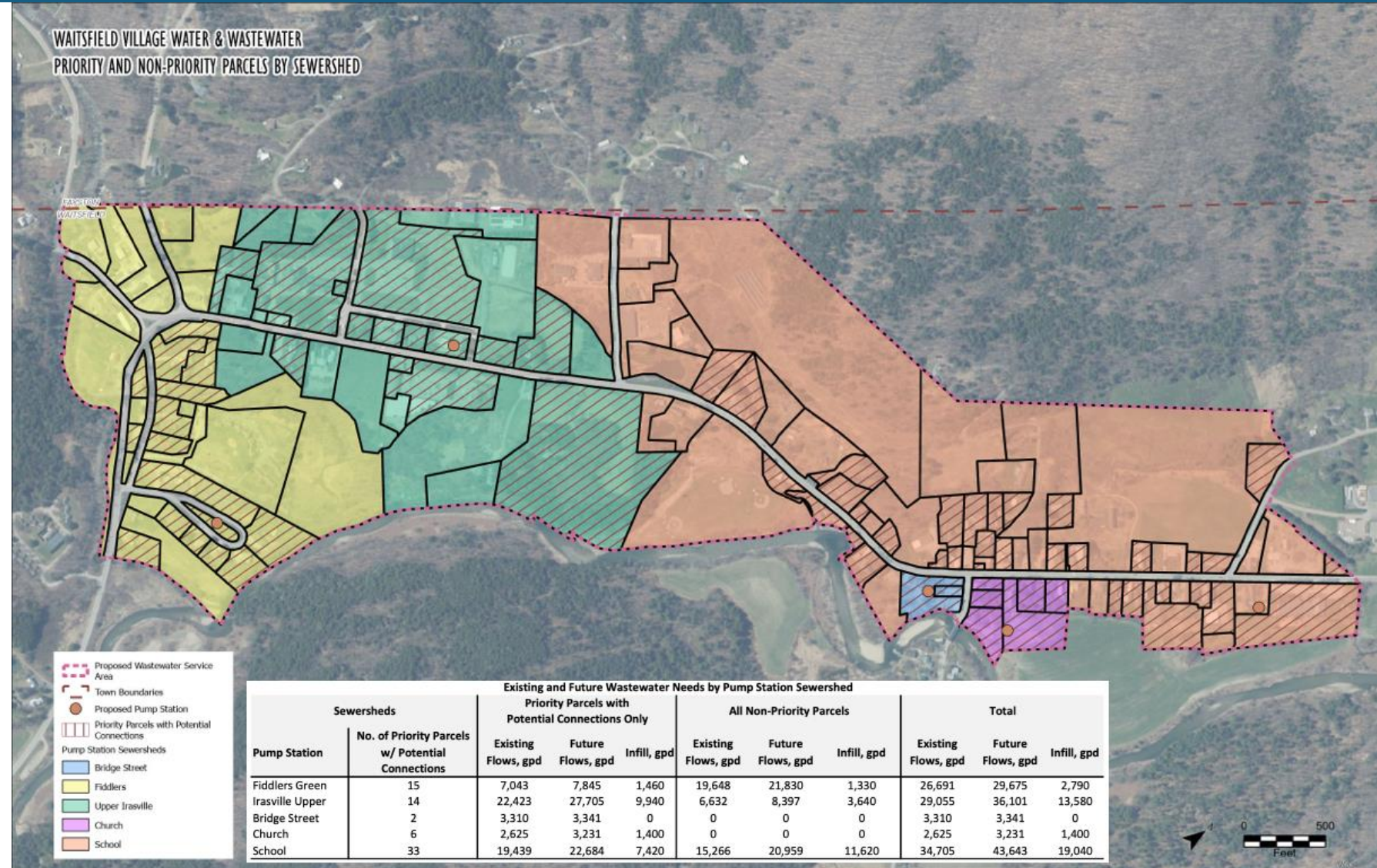
**AND**

Maintain capacity for new housing and commercial development





# Service Area





# Treatment & Disposal

## Munn Site



# Advanced Treatment System: SBR

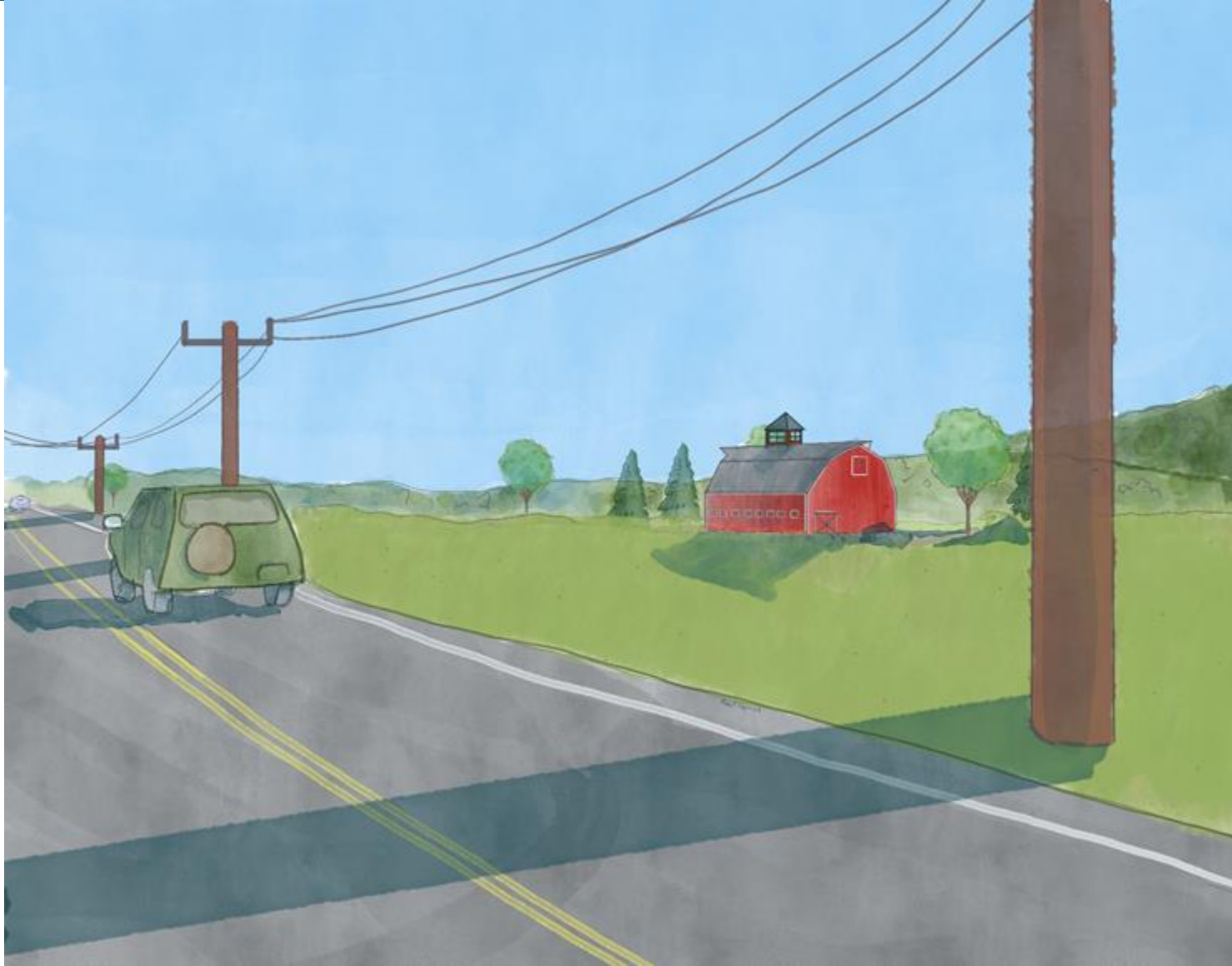


- Sequencing Batch Reactor (SBR) uses biological process to treat effluent
- SBR system includes 2 reactor tanks, sludge tank, control building, pump station, and large leach field
- Similar SBR system in use for 20 years at Sugarbush (67,000 gpd)

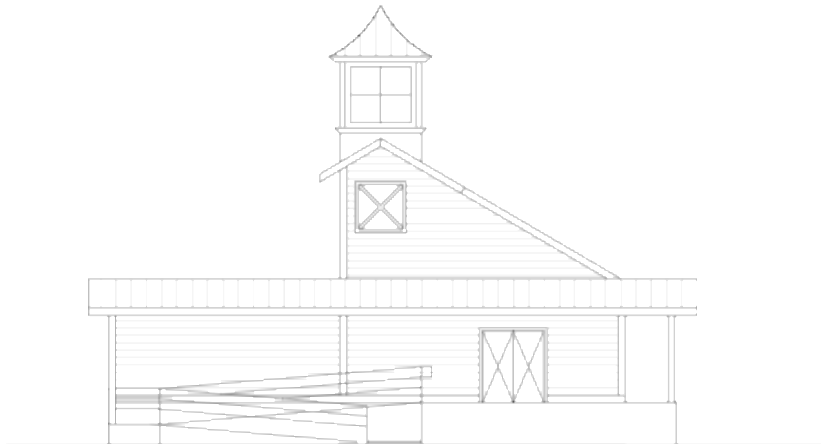




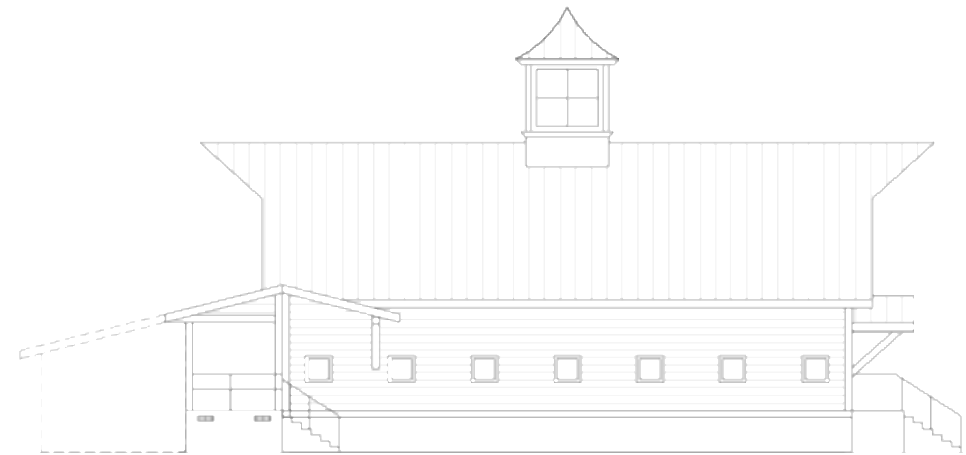
# Advanced Treatment System: SBR



# Advanced Treatment System: SBR



View from Kingsbury Rd.



View from VT100



# Milestones

## Part 1

- Feasibility Study
  - 2021 – 2023
- Preliminary Engineering Report
  - 2023
- Design Phase
  - 2024 – 2026
- 60% Design
  - May 2025
- Bond Vote Passed 3:1 (June 2024)
- 90% of Priority Parcel Owners expressed interest in connecting
- Munn Site Test: Treatment capacity (89K gpd) & discharge approved
- NEPA Approval
- SBR Manufacturer Pre-Selection
- Environmental Review

# Bond Vote: June 11th, 2024

## WAITSFIELD COMMUNITY WASTEWATER PROJECT

**BOND VOTE - TUES. JUNE 11, 2024**

**Polls Open 7AM to 7PM**

Waitsfield Village Meeting House  
4355 Main Street  
Waitsfield, VT 05673

**Ballots will also be mailed to  
all registered voters**

### **What is the bond vote for?**

The ballot asks if voters will allow the Selectboard to pursue the \$15 million in grants and loans necessary to proceed with the wastewater project.

### **What is the impact of the project on taxpayers?**

As proposed, the Selectboard plans for **no impact to the Waitsfield municipal tax rate** to fund this project.

### **What funds is the Selectboard planning to pursue?**

The Town is pursuing over \$13 million in federal and state grants to support the project. A positive bond vote is required to secure this funding.

### **How will the Town fund the remaining \$1.7 million?**

The Town has applied for a low interest loan through USDA Rural Development. The entirety of the loan would be paid back by the users of the system at an affordable user rate, the same model that is successfully used by our water system.

**Join us for a Bond Vote Information Hearing  
on Monday, June 3rd at 6:00pm at the  
Waitsfield Town Office or via Zoom**

# Wastewater Journey





# Milestones

## Part 2

- Easement Acquisition
  - Oct 2025 – February 2026
- Environmental Review
  - 12/31/25
- Final Design
  - 3/31/26
- Bid/Contracting
  - March – April, 2026
- Construction Commences
  - Late 2026



# Items in Process

## D&K Responsibilities

- Section 106 Historic Preservation review
- Permits
- Finalize Design
  - ESA Amendment #4
  - Process & Site Civil Design
  - WW Collection System Design
  - Control Building Design
    - Structural, Mechanical, Elec. & Plumbing
- Bid/Contract Documents
- Operations Plan
- Monitoring Plan





# Items in Process

## Wastewater Committee

- Coordinate w/ D&K on permits, design, etc.
- Bi-weekly Wastewater Meetings
- NBRC Catalyst Grant Application
  - \$1 Million
  - Deadline: 10/10/25
- 2025 Regional Project Priority List
  - Deadline: 10/15/25



# Items in Process

## Selectboard – Priority 1

### Budget & Financial Planning

- Funding Received to Date
- Phases
  - 1
  - 1A
  - 2



# Items in Process

## Selectboard – Priority 1

SOURCES OF FUNDS		
<b>Received &amp; Committed Grants</b>		
VT Clean Water SRF		\$199,418
VT Clean Water SRF		\$153,674
Town ARPA Funds		\$28,677
ARPA Village Water & Wastewater Grant		\$3,508,085
USDA RD Grant - Phase 1 only		\$649,000
<b>Sub Total - Committed Grants</b>		<b>\$4,538,854</b>
<b>Pending Grants</b>		
Northern Borders Regional Commission - Phase 1a		\$1,000,000
CWSRF Pollution Control Grant		\$0
<b>Sub Total - Pending Grants</b>		<b>\$1,000,000</b>
<b>TOTAL SOURCES OF FUNDS</b>		<b>\$5,538,854</b>

Received for Engineering PER and Feasibility

Received for Engineering 30% Final Design

Received for Engineering 30% Final Design

Awarded Sept '24 & May '25 for remaining final design and construction

Awarded August 2025 for Phase 1

Catalyst Program fall round, full application due 10/10/25

2025 IUP = \$5.25M eligibility but funding not immediately available

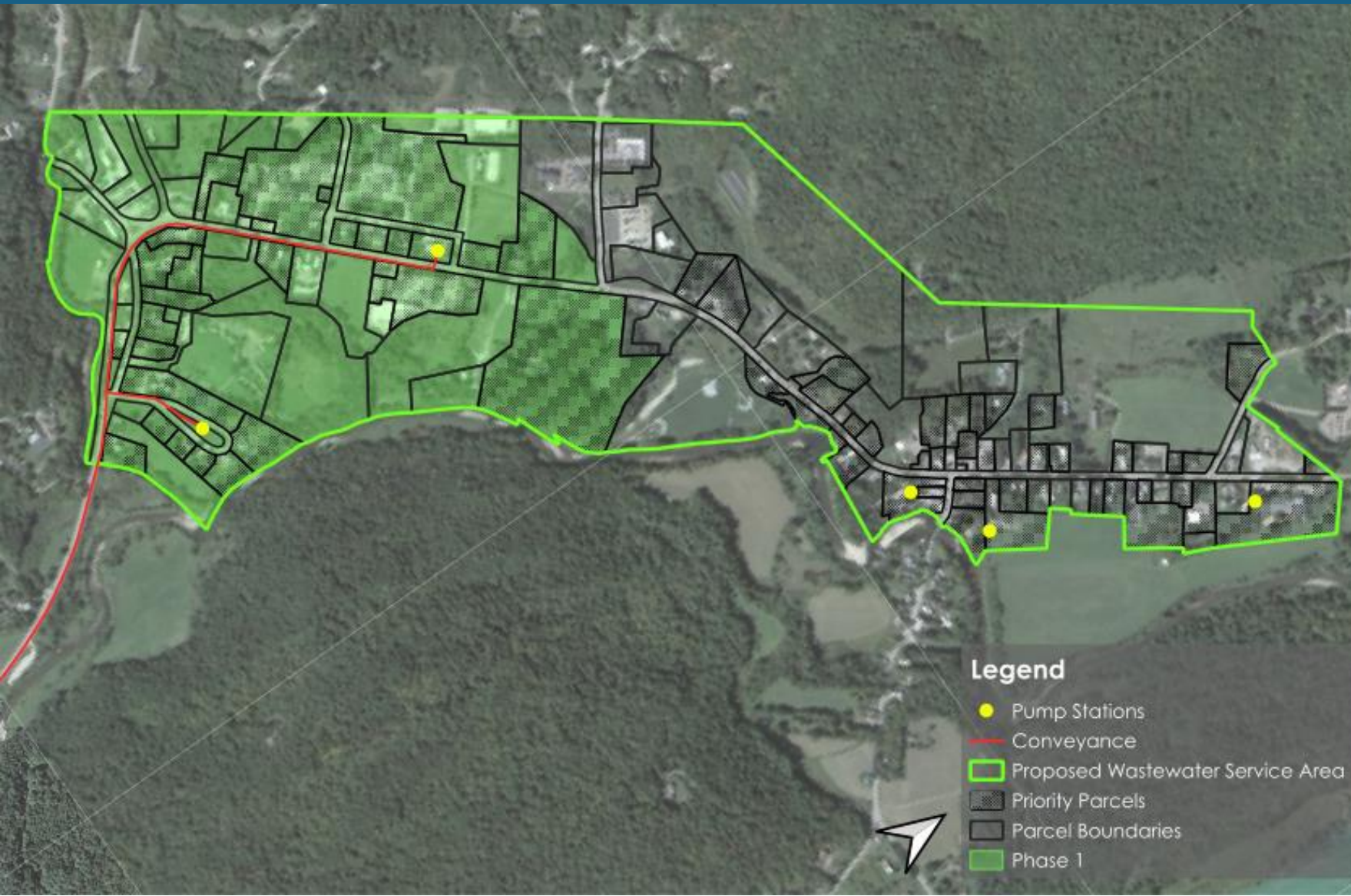
CONSTRUCTION FINANCING		
VT Clean Water SRF Construction Loan		\$12,885,406
USDA RD Loan - Phase 1 only		\$7,553,000

Extended Sept '25 based on SFY2026 CWSRF Project Priority List

Eligibility based on underwriting completed in '24



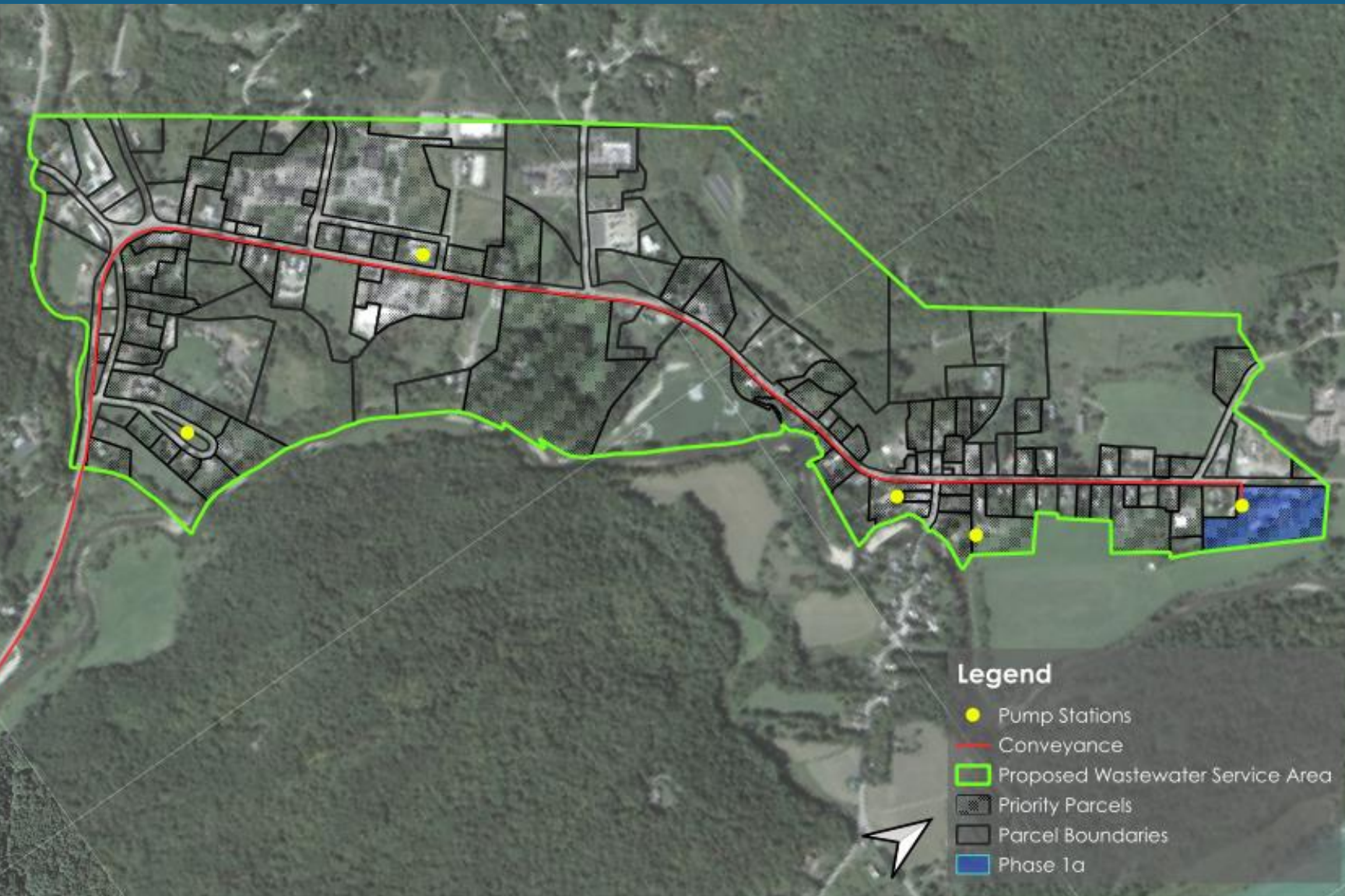
# Funding Phase 1



- Munn Site Treatment & Disposal
- Force Main
- Fiddlers Green & Upper Irasville collection



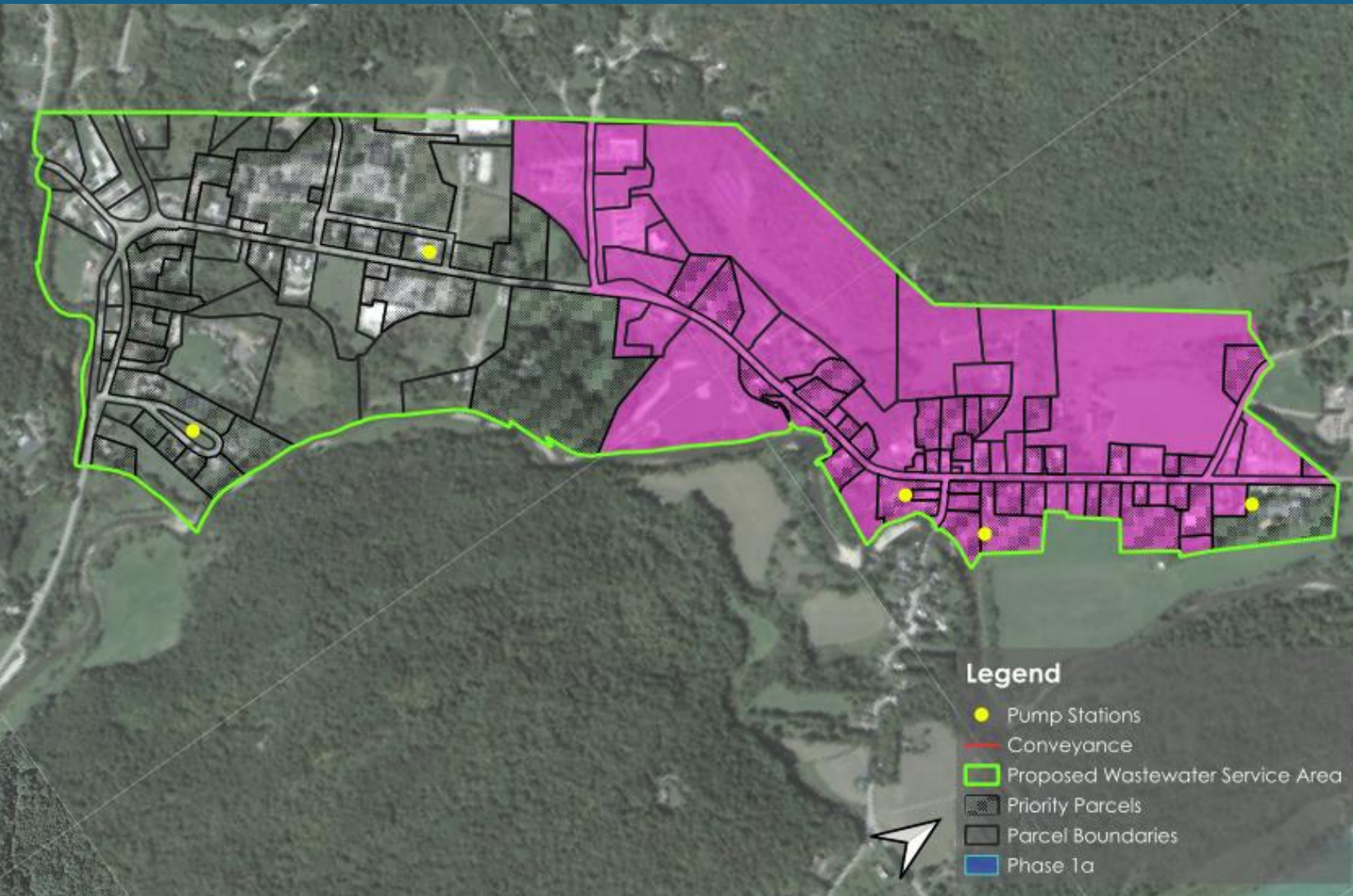
# Funding Phase 1a



- School Pump Station & Collection
- Force Main to Fiddlers Green
- Install collection pipe in Waitsfield Village



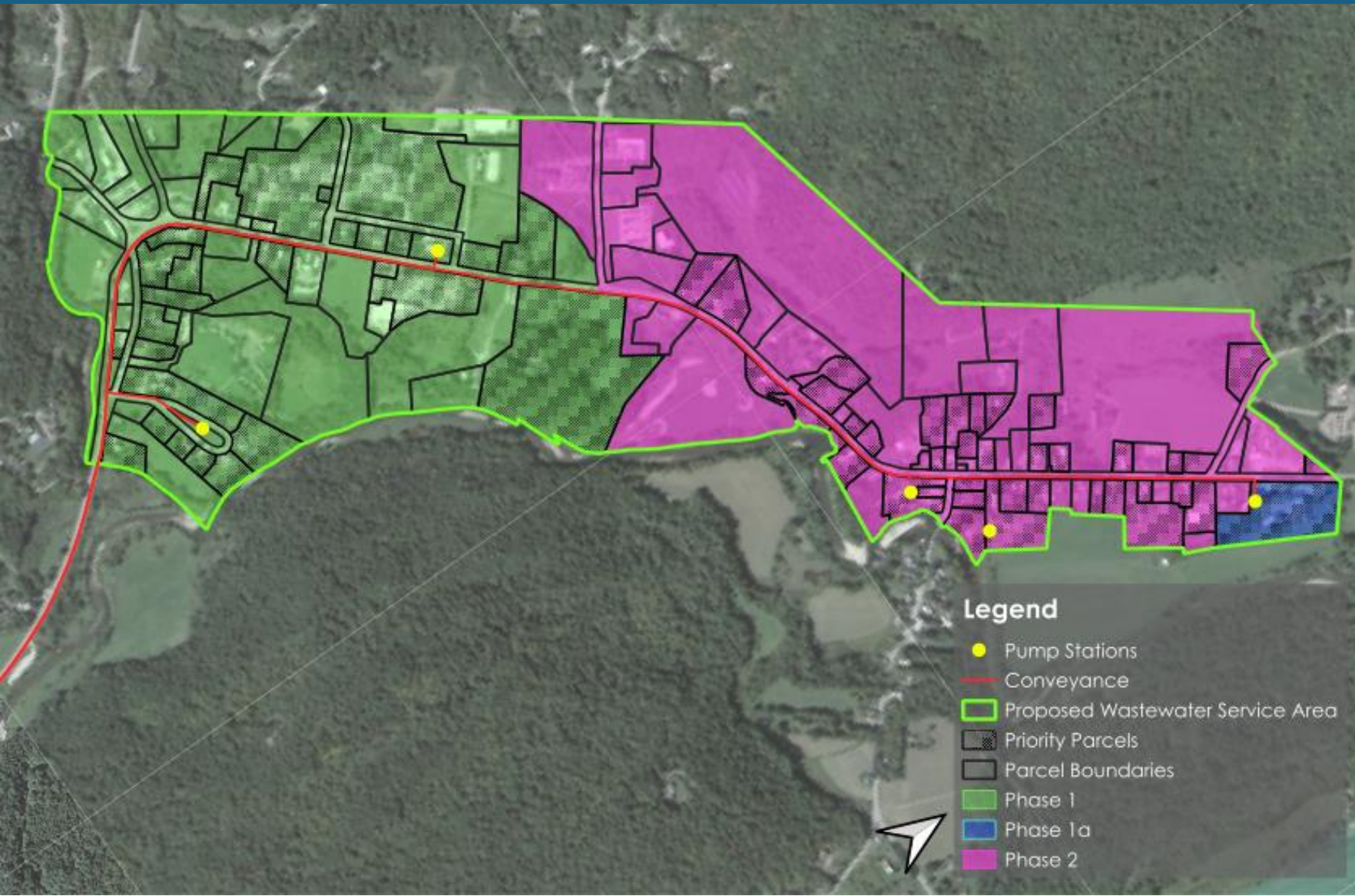
# Funding Phase 2



- Connect remaining Waitsfield Village to School Pump Station
- Church & Bridge Street Pump Stations



# Funding Phases



# Items in Process

## Selectboard – Priority 1

### Property Owner Follow-ups

- Communicate
  - Project Status
  - Construction Details
- Interior Measurements
- Easements

# Public Outreach

## Selectboard – Priority #2

### Public Outreach & Property Coordination Strategy for Wastewater Connections

- Review list of interested property owners, beginning with priority parcels
- Confirm outreach method and messaging
- Discuss logistics for site visits and measurements
- Approve the measurement protocol and data collection form
- Assign roles and timeline for the outreach phase

# Public Outreach

## Selectboard – Priority #2

### Goals

- Reconnect with property owners who previously expressed interest in connecting to the municipal system.
- Share project updates and timeline.
- Schedule site visits to gather technical data – especially depth/location of existing septic outlet pipes

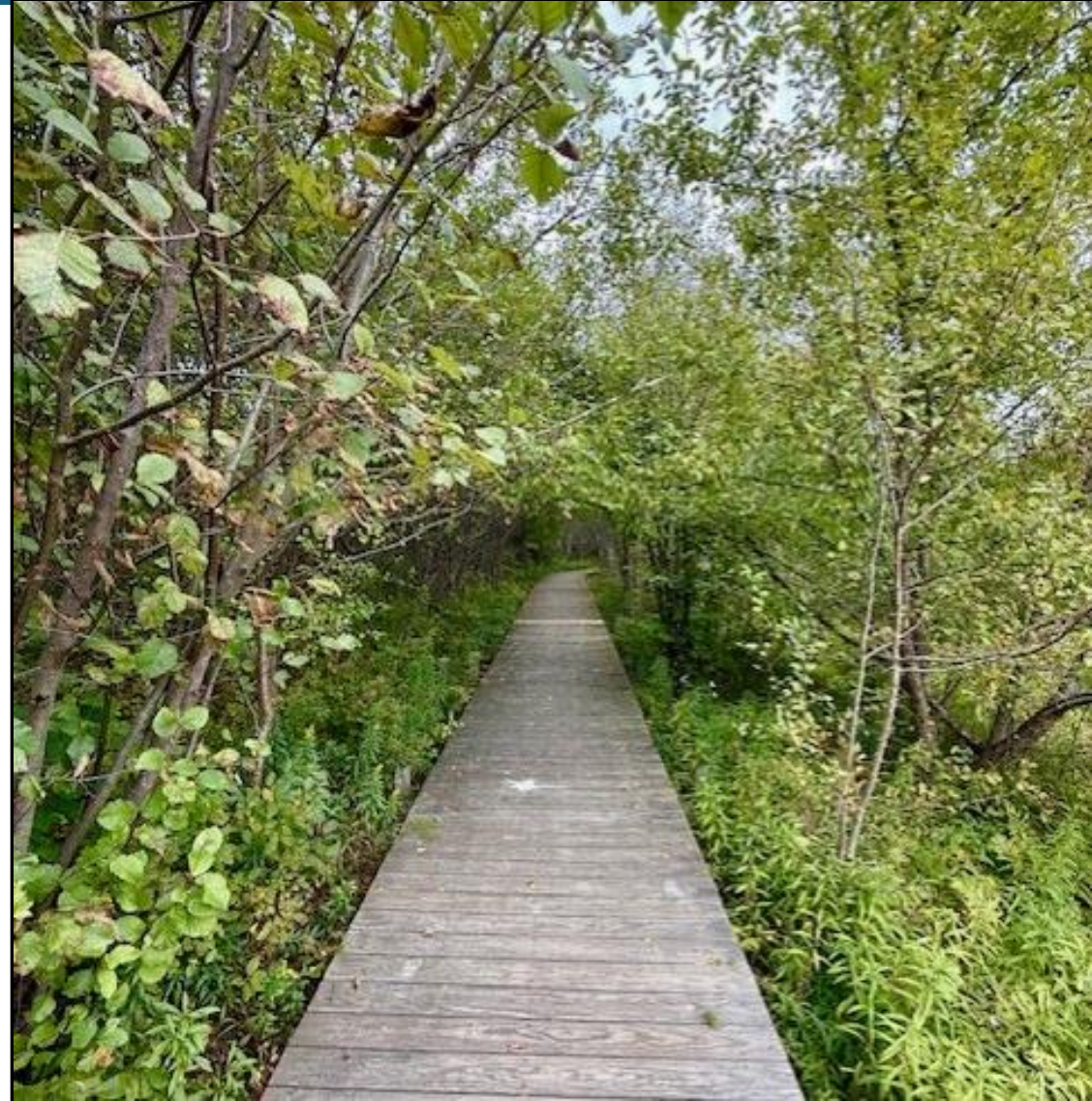


# Public Outreach

## Selectboard – Priority #2

Method: Personalized letters, emails, or phone calls?

1. Owner Re-engagement
2. Site Visit Coordination
  1. Scheduling: Offer flexible time slots
  2. Ideally a 2-person team
3. Measurement Protocol
4. Documentation





# Public Outreach

## Selectboard – Priority #2

### Waitsfield Wastewater Site Visit – Measurement Form

☒ Interest in Connecting to the Municipal Wastewater System

☐ Yes      ☐ No      ☐ Undecided

#### Property Information

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

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

Parcel ID (if known): \_\_\_\_\_

Date of Visit: \_\_\_\_\_

Team Members: \_\_\_\_\_

#### Septic Outlet Pipe Details

Location of Pipe Exit (basement wall,    crawl space):

Location of Exit from building - Front,    N,W,S,E side,    back

Vertical Depth from Pipe Exit to Exterior Ground Level:

\_\_\_\_\_ inches

Pipe Material (if visible): ☐ PVC ☐ Cast Iron ☐ Unknown ☐ Other: \_\_\_\_\_

Pipe Condition (if visible): ☐ Good ☐ Fair ☐ Poor ☐ Not Visible

# Upcoming Items

## Selectboard – Priority #2

- Capacity Allocation/Prioritization
  - Ordinance Draft
  - Ordinance Adoption
- Rate Structure Design
- Governance Structure
- Billing System
- Staffing, Certification, Training Plan

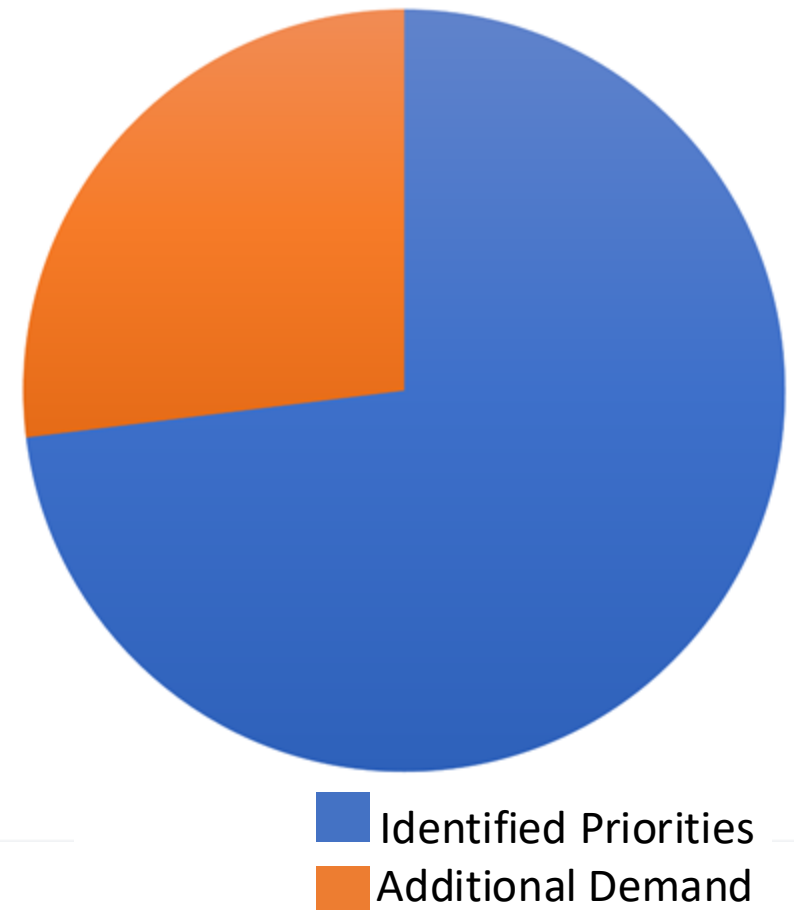
# Upcoming Items

## Selectboard – Priority #2

- Available disposal capacity of Munn site :  
**~89,000 (gallons per day) gpd**
- Wastewater demand of priority parcels:  
**~65,000 gpd or 72% of capacity**
- Capacity available for additional demand:  
**~24,000 gpd or 28%**

**Supports ~70 new 1&2 BR homes, and a 10% increase in commercial demand**

Recommended Demand Allocation  
for Munn Site



# Upcoming Items

## Selectboard – Priority #2

Capacity available for additional demand:  
**~24,000 gpd or 28%**

**Supports ~70 new 1&2 BR homes, and a  
10% increase in commercial demand**

### Considerations

- Priority Parcel-adjacent
- Priorities (housing, commercial, etc)
- Existing Demand
- Future Demand
- Irasville Village Master Planning
- Timing



# Project Costs and Funding

- **Construction costs have increased**
  - Cost inflation on Labor and Materials
  - Tariffs on materials
- **Funding landscape has changed dramatically**
  - Federal gov't. rescinding grant funding
  - Inflation Reduction Act, Congressional Direct Spending, etc.
- **Despite these changes, there is still a path forward for WW!**
  - Maintain affordable user fees
  - Avoid using property taxes to fund project

# Project Costs and Funding - DESIGN

- **All Design & Engineering fully grant funded**
  - No impact on taxpayer

## USES OF FUNDS - DESIGN PHASE

Current WW Project Cost Estimate	Status	Total Cost
Feasibility Study, Engineering Study & 30% Design	Complete	\$381,769
Final Design (to be completed in March 2026)	In Progress	\$559,229
<b>TOTAL USES OF FUNDS</b>		<b>\$940,998</b>

## SOURCES OF FUNDS - DESIGN PHASE

<b>Received &amp; Committed Grants</b>		
VT Clean Water SRF	Funded	\$353,092
Town ARPA Funds	Funded	\$28,677
ARPA Village Water & Wastewater Grant	Funded	\$559,229
<b>TOTAL SOURCES OF FUNDS</b>		<b>\$940,998</b>

# Project Costs - CONSTRUCTION

- **FULL BUILD OUT of 89,000 GPD wastewater system serving Waitsfield School/Village, Irasville and Fiddlers Green**

## **USES OF FUNDS**

### **Current WW Project Cost Estimate (OPCC)**

Collection System Upper Irasville	\$1,834,125
Collection System Fiddlers Green	\$1,793,700
Treatment & Disposal System	\$4,018,740
Collection System Elementary School	\$1,731,500
Collection System Waitsfield Village	\$2,194,725
Other Costs	\$2,453,223
Construction Contingency	\$1,402,601
Engineering Services during Construction	\$1,402,601
Other Costs - Legal/Archaeology/Easements	\$202,170

### **TOTAL USES OF FUNDS**

**\$17,033,385**



# Project Funding - CONSTRUCTION

- FULL  
BUILD  
OUT**

SOURCES OF FUNDS		Status	Amount
<b>Received &amp; Committed Grants</b>			
Remaining ARPA Village WWW Grant	Funded		\$1,948,856
Additional ARPA Village WWW Grant	Funded		\$1,000,000
USDA RD Grant	Awarded		\$649,000
<b>Sub Total - Committed Grants</b>			<b>\$3,597,856</b>
<b>Pending Grants</b>			
Northern Borders Regional Commission	Applied		\$1,000,000
Other Grants	TBD		\$1,500,000
CWSRF Pollution Control Grant	Qualified		\$0
<b>Sub Total - Pending Grants</b>			<b>\$2,500,000</b>
<b>Committed Loans</b>			
USDA RD Loan	Approved		\$7,553,000
VT Clean Water SRF Loan	Approved		\$3,382,529
<b>Sub Total - Committed Loans</b>			<b>\$10,935,529</b>
<b>TOTAL SOURCES OF FUNDS</b>			<b>\$17,033,385</b>

# Project Costs and Funding - CHALLENGES

- **Much less grant funding available today**
  - 25–35% of project costs vs. 80+% anticipated
- **Long term debt is available to fill the gap**
  - Long term, low rate debt from USDA and Clean Water State Revolving Fund
- **BUT too much debt makes the project unaffordable to users**
  - Higher debt service would require higher user fees
  - Catch 22: USDA and CWSRF debt have affordability requirements
  - If we fail to meet the affordability test, then we are no longer eligible for the loans
- **OPTIONS**
  - Reduce upfront costs by building project in phases
  - Find more grants or other upfront funding sources
  - Find other sources of revenue to offset higher debt service

# Project Costs and Funding - OPTIONS

## **OPTION A**

- **Break project up into phases**
  - Phase 1 = Munn Field treatment & disposal field, plus collection system for Fiddlers Green and Upper Irasville
  - Phase 1a = Extend collection system to Waitsfield School
  - Phase 2 = Add collection and pump stations for Waitsfield Village
- **Pros**
  - Reduces upfront costs
  - Buys time to seek additional funding for later phases
- **Cons**
  - Phased build costs more and takes longer
  - Higher debt load still not affordable to users
  - Delays critical benefits (environmental, public health, school expansion)

# Project Costs and Funding - OPTIONS

## OPTION A: Break Construction up into phases

USES OF FUNDS				
Current WW Project Cost Estimate (OPCC)	Phase 1	Phase 1a	Phase 2	Total
Phase 1: Collection System Upper Irasville	\$1,834,125			\$1,834,125
Phase 1: Collection System Fiddlers Green	\$1,793,700			\$1,793,700
Phase 1: Other Costs	\$1,192,278			\$1,192,278
Phase 1: Treatment & Disposal System	\$4,018,740			\$4,018,740
Phase 1a: Collection System Elementary School		\$1,731,500		\$1,731,500
Phase 1a: Other Costs		\$889,904		\$889,904
Phase 2: Collection System Waitsfield Village			\$2,194,725	\$2,194,725
Phase 2: Other Costs			\$371,041	\$371,041
Construction Contingency	\$883,884	\$262,140	\$256,577	\$1,402,601
Engineering Services during Construction	\$883,884	\$262,140	\$256,577	\$1,402,601
Other Costs - Legal/Archaeology/Easements	\$202,170			\$202,170
<b>TOTAL USES OF FUNDS</b>	<b>\$10,808,782</b>	<b>\$3,145,685</b>	<b>\$3,078,919</b>	<b>\$17,033,385</b>

# Project Costs and Funding - OPTIONS

## **OPTION B: Find other upfront funding sources**

- **Project is a high priority within the state and region**
  - Ranked #2 on CWSRF Project Priority List in 2026 Intended Use Plan
  - Ranked #1 on Central Vermont Economic Development Project Priority List
- **Invited to apply for \$1M grant from Northern Borders Regional Commission**
  - Reduces upfront costs
  - Buys time to seek additional funding for later phases
- **Eligible for \$5M pollution control grant from State**
  - Funds not currently available; long backlog of projects waiting funding
  - Project will eventually receive grant in small annual amounts
- **Other funding sources?**



# Project Costs and Funding - OPTIONS

## **OPTION C: Find sources of annual revenue to offset higher debt service**

- **User fees not sufficient to cover higher debt service in any build scenario**
  - Can't fill gap with property taxes
- **Guest Tax (Local Option Tax) is an available source of long term revenue**
  - 38 other VT towns are utilizing a Guest Tax to fund infrastructure
  - MRVPD estimates that Waitsfield LOT could raise \$750k annually
  - Large pending infrastructure projects that would benefit from LOT support:
    - New Town garage
    - New Fire station
    - Fire trucks
    - Meadow Road Bridge
    - Other bridges and culverts, paving, etc.

# Project Costs and Funding – FULL BUILD W/ LOT

## OPTION C: FULL BUILD WITH LOT SUPPORT

	FULL BUILD OUT
Total Completed Cost Estimate	\$17,033,385
Less Total Grants Awarded	-\$6,097,856
<b>Loans required to cover Remaining Costs</b>	<b>\$10,935,529</b>
<b>Annual Debt Service</b>	
USDA Loan	\$7,553,000
Interest Rate	4.25%
Term - Years	40
VT CW SRF Loan	\$3,382,529
Interest Rate	2.00%
Term - Years	30
<b>Annual Debt Service</b>	<b>\$546,946</b>
Annual Operations & Maintenance Cost	\$125,607
Annual Reserves	\$24,208
<b>Total Annual Debt Service &amp; Operating Costs</b>	<b>\$696,761</b>

# Project Costs and Funding – FULL BUILD W/ LOT

## OPTION C: FULL BUILD WITH LOT SUPPORT

### Total Cost per ERU before LOT Allocation

	Priority Users Only	Full Capacity	Full Capacity & Repermit
<b>Total Annual Debt Service &amp; Operating Costs</b>	<b>\$696,761</b>	<b>\$696,761</b>	<b>\$696,761</b>
<b>Total Connected ERUs</b>	<b>308</b>	<b>424</b>	<b>556</b>
<b>Annual Cost per ERU</b>	<b>\$2,259.98</b>	<b>\$1,644.04</b>	<b>\$1,252.60</b>
Monthly Cost per ERU	\$188.33	\$137.00	\$104.38
Monthly Cost as % of MHI	6.28%	4.57%	3.48%

# Project Costs and Funding - OPTIONS

## **OPTION C: FULL BUILD OUT WITH LOT SUPPORT**

- **Wastewater would initially require ~60% of LOT revenue support to meet funding requirements**
- **LOT support would decline as project connects more users and generates more user fees**
  - At full capacity, LOT support would drop to under 50% of LOT revenue
  - At full capacity after repermitting based on actual gallons per day usage, LOT support would drop to ~30% of LOT revenue
- **Growing % of LOT revenue available to support other priority infrastructure projects**
  - Town garage, Fire Station & Equipment, Bridges & Culverts, etc.
  - Potential annual debt service on these projects = \$1M per year
  - If all funded by property taxes, tax rate would jump by ~50%



# Project Costs and Funding – FULL BUILD W/ LOT

## OPTION C: FULL BUILD WITH LOT SUPPORT

### Potential Town Allocation of LOT Revenue

Total Annual Debt & Operating Costs	\$696,761	\$696,761	\$696,761
Max Annual User Fee per MHI Affordability Test	\$249,550	\$343,043	\$450,243
<b>LOT Revenue Allocation required to meet MHI</b>	<b>\$447,211</b>	<b>\$353,718</b>	<b>\$246,518</b>
<b>% of Estimated Total LOT Revenue</b>	<b>60%</b>	<b>47%</b>	<b>33%</b>
<b>Annual Cost per ERU net of LOT Allocation</b>	<b>\$809.43</b>	<b>\$809.43</b>	<b>\$809.43</b>
Monthly Cost per ERU	\$67.45	\$67.45	\$67.45
Affordability as % of MHI	2.25%	2.25%	2.25%



# Short-Term Rental Regulations:

A GUIDE FOR LOCAL GOVERNMENTS





### About the National League of Cities

The National League of Cities (NLC) is the voice of America’s cities, towns and villages, representing more than 200 million people. NLC works to strengthen local leadership, influence federal policy and drive innovative solutions.

NLC’s Center for City Solutions provides research and analysis on key topics and trends important to cities, creative solutions to improve the quality of life in communities, inspiration and ideas for local officials to use in tackling tough issues, and opportunities for city leaders to connect with peers, share experiences and learn about innovative approaches in cities.

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## INTERACTIVE

# Contents

### 4 Foreword

### 7 Introduction

### 8 Defining Short-Term Rentals

#### 8 What is a Short-Term Rental?

#### 9 What Can Communities Regulate?

#### 10 The Issue

### 12 Recommendations: Short-Term Rental Regulations

#### 14 Understand the Landscape

##### 14 Gather Data

##### 15 Engage a Diverse Group of Stakeholders

##### 18 Identify Policy Goal(s)

#### 20 Develop and Pass Regulations

##### 20 Apply a Racial Equity Lens

##### 21 Pass Regulations Early

##### 21 Craft Simple Regulations

##### 24 Institute a Permit Requirement

##### 25 Determine Fines and Fees

##### 27 Establish a Clear Taxing Model

##### 28 Negotiate an Agreement with Platforms

#### 30 Enforcement

##### 30 Dedicate Resources to Enforcement

##### 32 Ensure Extensive Communication and Marketing

##### 33 Move Registration and Administration Systems Online

#### 35 Revisit and Adapt

##### 35 Establish a Feedback Loop

### 37 Conclusion

### 38 Appendix

#### 38 Voluntary Collection Agreements (VCAs)

### 40 Endnotes

# Foreword

**I**N RECENT YEARS, short-term rentals have increased in cities, towns and villages across the United States. As a result of this growth, local leaders have had to grapple with competing benefits and challenges – in particular, how to ensure a healthy stock of affordable housing and how to support local tourism and economic development opportunities. One of the top priorities for city leaders today is to ensure that residents and visitors to their communities have access to safe, affordable lodging.

These competing priorities make passing regulations difficult, which is why it’s not surprising that short-term rentals have become a common topic of discussion among our members at the National League of Cities (NLC). Members faced with these challenges often ask us: “What tools are available to assist me with regulating short-term rentals in my community?”

This persistent question led NLC to research short-term rental regulations in cities across the country and ultimately produce *Short-Term Rental Regulations: A Guide for Local Governments*. Based on an analysis of 60 short-term rental ordinances, this action guide lays out a detailed overview of best practices for cities to develop and pass short-term rental regulations in their communities.

While no two municipalities face the same opportunities and challenges when it comes to regulating short-term rentals, this research provides insight into how to chart a path forward successfully. This guide recommends local leaders create and enforce firm and fair regulations by focusing on clear policy objectives, centering racial equity as a critical component in their planning and actively engaging with relevant stakeholders throughout the process.

Short-term rentals can open a swath of opportunity for homeowners looking to make additional dollars, while also providing economic development opportunities in neighborhoods that may not generally see high levels of tourism. By bringing community and industry leaders together, local leaders can create policies that work for both – and maximize the potential value of short-term rentals for hosts, guests and neighbors alike, all while protecting the affordability of neighborhoods.

While short-term rentals are a prominent issue today, this challenge is not a new one for local leaders. There are often difficulties that come with maximizing economic growth while protecting community interests. Mayors, councilmembers and other local elected officials are well-equipped to help bring stakeholders together to understand and navigate potential trade-offs.

Local leaders have an incredibly important role to play in capitalizing on the benefits of short-term rentals and minimizing potential negative impacts. I hope this resource will help your community make decisions about short-term rentals that are best for your residents.



**Clarence E. Anthony**

CEO AND EXECUTIVE DIRECTOR  
National League of Cities





## Introduction

**T**HE RAPID GROWTH of short-term rentals in cities, towns and villages across the U.S. has caused much controversy. From contentious City Hall meetings where residents advocate for more stringent or more relaxed regulations to lengthy and expensive legal battles between cities and short-term rental platforms, cities can get caught in the cross-hairs of a complicated policy issue. Short-term rentals present no shortage of challenges for local leaders, as they can affect housing availability and affordability, local tourism and economic development, neighborhood wellbeing, and health and safety. However, many cities have learned important lessons in navigating these complex issues and offer some best practices for others to learn from.

Regulation of short-term rentals has proven to be an important and effective tool in making short-term rentals work for all parts of the community. Regulations that define what short-term rentals are and have appropriate mechanisms in place should intervention be necessary have helped city leaders steer the conversation toward solutions and meeting community needs. The purpose of regulating short-term rentals is not to be overly punitive or to prohibit them, but to put safeguards and appropriate enforcement mechanisms in place for when problems arise.

This Action Guide will not settle debates about the specific impacts of short-term rentals on each community. Instead, it aims to equip local leaders with appropriate information and tools to adopt or amend ordinances that serve their community best: policies that are equitable; that protect municipal interests such as health and safety and housing affordability; that preserve the residential quality of neighborhoods; and that enable responsible and eligible residents to earn some additional income.

# Defining Short-Term Rentals

## What is a Short-Term Rental?

In general, short-term rental (STR) refers to an activity in which one party, the “host,” agrees to rent out all or part of a home to another party, the “guest,” on a temporary, time-limited basis. The precise legal definition of a short-term rental varies by community. Most short-term rental ordinances include details on the following types of provisions that define short-term rentals for a particular community:

### LOCATION AND USE:

Where and how many short-term rentals are allowed

### TIMING:

How long short-term rentals can be rented for

### MANNER OF RENTAL:

Additional requirements for hosts and guests

## What Can Communities Regulate?

Regulations vary, depending on the needs of the locality issuing them. In a community where vacant properties are a problem, regulations might focus on upkeep and oversight. In a community where housing stock is scarce, regulations might be put in place to limit the number of properties lost to residential rentals.

Generally, however, regulations include some combination of the following provisions:

PROVISIONS	DETAILS
LOCATION AND USE	<p><b>Geographic limits:</b> Cities can decide to limit the availability of STRs in specific areas of cities, such as particular residential areas or neighborhoods with specific historic character.</p> <p><b>Commercial-residential distinctions:</b> Cities can establish different rules for properties in residential and commercial areas to account for the different interests of communities in each of these areas.</p>
TIMING	<p><b>Primary residence requirements:</b> Cities can require that the STR is occupied by the host for most of the year, and/or that the rental is in or part of the owner’s primary residence.</p> <p><b>Day limits:</b> Cities can include provisions capping the number of days per year that hosts can rent their STR.</p>
MANNER OF RENTAL	<p><b>Registration and licensing:</b> Cities can require hosts to register their properties with the city and can require rental platforms (e.g., Airbnb, Vrbo, etc.) to ensure that properties listed on their sites are properly registered.</p> <p><b>Taxes:</b> Cities can require that hosts pay transient occupancy taxes, which are taxes on what guests pay for temporary lodging in the city and are usually collected and remitted by hotels, motels and similar businesses. Cities can also work with STR platforms and other third-party providers to minimize the burden of tax remittance.</p> <p><b>Occupancy limits:</b> Cities can limit the number of guests per stay, usually by establishing a guests-per-bedroom or per-property cap.</p> <p><b>Health and safety regulations:</b> Cities can require STRs to have fire safety equipment and carbon monoxide detectors; display emergency information for guests; adopt measures to maintain a sanitary residence; and adopt plans for emergencies, among other requirements.</p> <p><b>Noise and event regulations:</b> Cities can restrict the use of STRs for large gatherings and events, and they may explicitly require that guests comply with existing noise, trash and parking ordinances.</p>



## The Issue

Short-term rentals are not a new concept. Companies like Vrbo, HomeAway, Couchsurfing and Craigslist have offered consumers short-term rental options since the late 1990s without much controversy.<sup>1</sup> The meteoric growth of the short-term rental industry in the 2010s changed that. Companies like Airbnb, Vrbo, HomeAway and FlipKey grew in popularity while consumer appetite for more original, authentic and local experiences increased, driving demand higher.

As short-term rentals become more accessible to both hosts and users, use skyrocketed over a short period. But the meteoric success of short-term rental platforms has not been welcomed unreservedly. Common complaints are that short-term rentals can drive up local rents, limit the availability of long-term residential rentals, attract an influx of tourists and create excessive noise.<sup>2</sup>

Local leaders attempting to chart the pathway forward for short-term rentals in their communities must respond to many competing interests, making passing regulations and balancing those interests difficult. Some of these issues that must be considered include:

### Housing

The research is divided on whether short-term rentals contribute to the housing crisis. Regardless of whether the exact impact on the housing market is measurable, it is undeniable that many cities in the U.S. face a housing crisis – due to a shortage of affordable housing, steady decline in federal investment in low-income housing, wage growth stagnation, etc. – and that short-term rentals may contribute to housing unaffordability and unavailability.

### Tourism

Short-term rentals outside of the typical tourism areas in cities can be a boon to local economies, spreading dollars across the cities in ways that traditional lodging accommodations do not. On the other hand, cities with high tourism rates face a greater share of the negative impacts of short-term rentals in communities. In high-tourism communities, large numbers of whole home rentals can affect neighborhood cohesion, as they may stand empty for weeks at a time or experience high turnover in guests.

### Preemption

Preemptive state laws can limit cities' ability to regulate short-term rentals. The impacts of preemptive laws can range from a complete inability to regulate, to restrictions on the kinds of regulations that can be imposed.

### Public Health and Safety

Poorly regulated and unsupervised short-term rentals can threaten the safety of neighborhoods for residents and guests alike. Party houses have become a significant point of contention in some communities. Guests may ignore or be unaware of noise, trash and parking ordinances.

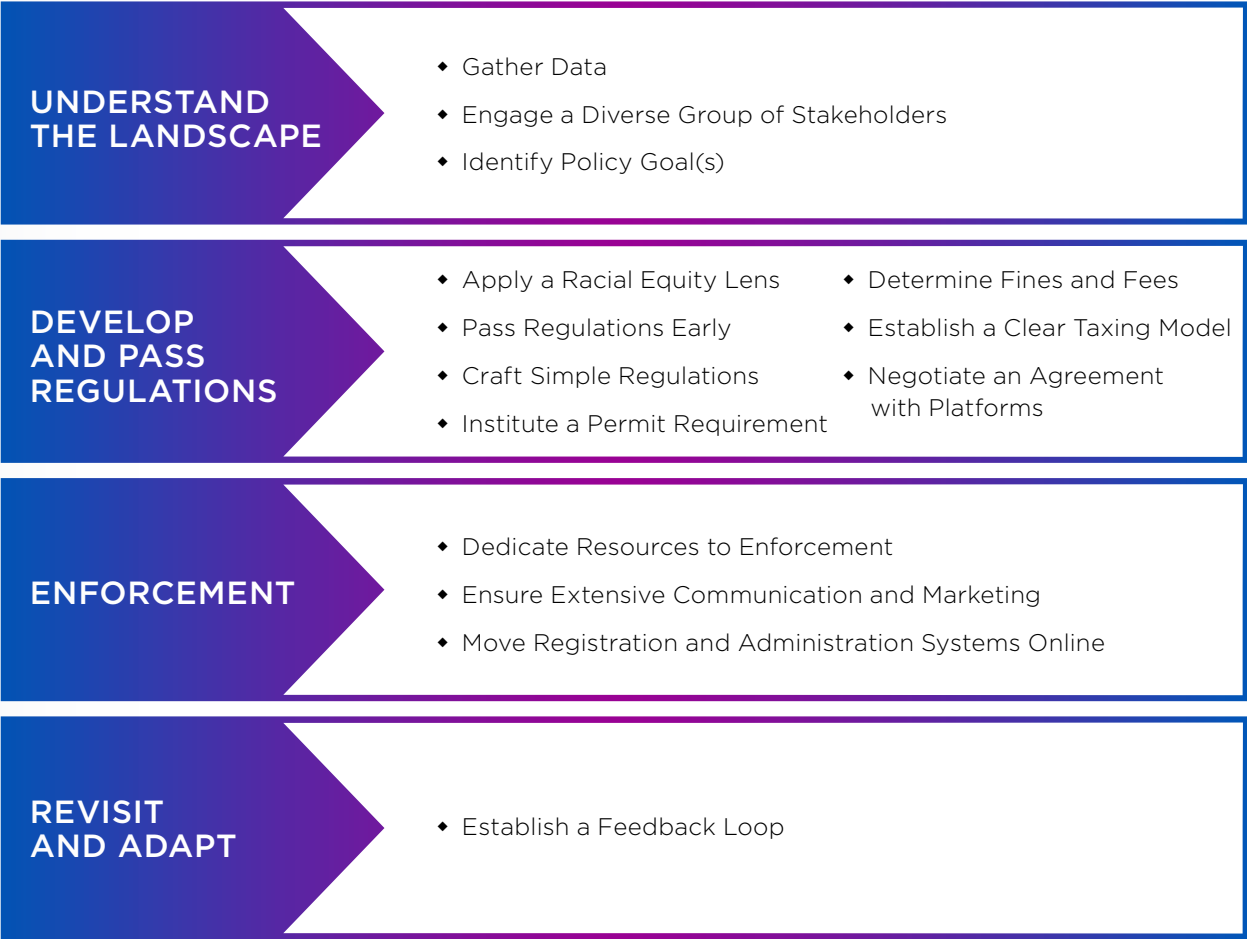
For myriad reasons — both within and outside of city control — cities may find it difficult to enforce the regulations they do have. Some ordinances are difficult for hosts and residents to understand and difficult for the city to enforce because they are overly complicated or poorly publicized. In other instances, cities may have no systematic way to identify hosts who are not in compliance or to keep track of what properties are being used for short-term rentals, and when. Understanding the most common barriers to effective regulation — unclear rules and lack of data — is key to making sound policy choices. Despite the limitations and challenges that city leaders face, local leaders can pass regulations that effectively balance competing interests, fit community needs, and most critically, are enforceable.

# Recommendations: Short-Term Rental Regulations

This Action Guide will help local leaders break down the process of developing a short-term rental ordinance, provide relevant city examples and identify key tips. The following recommendations are a menu of policy principles and good practices that cities should explore when establishing or updating their regulations, based on research into short-term rental ordinances and policies across the country.

THE NATIONAL LEAGUE of Cities analyzed 60 short-term rental ordinances to inform this report across 30 indicators, including the legal definition of short-term rentals, regulations and enforcement. At least one city, town or village was selected in each state, with two cities, towns or villages selected for the top ten states by population (California, Texas, Florida, New York, Pennsylvania, Illinois, Ohio, Georgia, North Carolina and Michigan) to ensure that a diversity of local context was represented in the analysis.

The recommendation sections (Understand the Landscape, Develop and Pass Regulations, Enforcement, and Revisit and Adapt) are meant to build off each other and should therefore be executed in chronological order. They are detailed in the section below.





UNDERSTAND THE LANDSCAPE

Before passing regulations, understand the local short-term rental landscape. This should involve extensive information gathering and thorough engagement with relevant stakeholders. Be mindful of what issues are associated with short-term rentals in your community to determine the goals your policy should meet.

GATHER DATA

**While anecdotes are powerful, they are not a proxy for actual data to estimate the number and location of short-term rentals operating in a community.** In some cases, data may be available through third-party platforms such as Inside Airbnb or AirDNA. Knowing approximately how many units may be on the market is critical to understanding the scope of the issue.



KEY DATA POINTS INCLUDE:

- How many short-term rentals are operating in your community?
- What is the breakdown between hosted room rentals vs. whole home rentals?
- Where are short-term rentals operating in your community?
- What neighborhoods are most affected?
- What is the average daily price of short-term rentals vs. hotels?
- What is the occupancy rate of short-term rentals vs. hotels?
- How much revenue are short-term rental properties generating vs. hotels?

Additional data sources that can help supplement short-term rental-specific data to develop a comprehensive picture of the local landscape can include tourism, housing and complaint data. Connect with local tourism boards to gather information such as how much money visitors are spending, where visitors are spending their money, where they are staying, where they are spending their time and how long they are staying. Leverage data sources such as the American Community Survey to understand the breakdown in renter vs. homeownership

rates, vacancy rates and demographic information in different neighborhoods to contextualize short-term rentals in the broader housing landscape. Records of noise and nuisance complaints (e.g., through 311 calls or similar complaint or service request software) can also help cities understand where these complaints are filed and what they are.

ENGAGE A DIVERSE GROUP OF STAKEHOLDERS

**Engage a network of stakeholders, including but not limited to tenants, landlords/homeowners, hotel and motel industry representatives, neighborhood organizations, housing advocates, tourism agencies and short-term rental platforms.** This mix will look different for each city, but identifying relevant stakeholders will be key to understanding the challenges and opportunities each city faces.

Hold virtual or in-person town hall meetings, drop in on various group meetings (e.g., landlord associations, property owner groups, neighborhood associations, etc.) and solicit comments from members of the public to gauge the perceptions of short-term rentals directly from community members. Cities can, for example, work with neighborhood associations to map areas especially strained by short-term rentals or tourism. Residents have the closest ear to the ground. City leaders should leverage this knowledge to their advantage.

Cities have a lot to gain by partnering with platforms, but the relationship-building process can be contentious at times. These relationships are more likely to be positive when cities come to the discussion table with a clear goal in mind and communicate it with the platforms.



POTENTIAL STAKEHOLDERS INCLUDE:

Motel and lodge union or association	Restaurant associations	Platforms (e.g., Airbnb, Expedia, etc.)
Hotels or hotel union or association	City Council	Neighborhood associations
Realtor groups or associations	Local planning groups and organizations	Housing advocates
	Existing short-term rental operators	Tourism agencies





## CITY SPOTLIGHT: FAYETTEVILLE, AR

In 2018, the City of Fayetteville’s Sustainability Department worked with the University of Arkansas’ Public Policy Department to explore short-term rentals. The students leveraged data sources such as AirDNA to gather the following information:

- ◆ Active rentals
- ◆ Average booked properties
- ◆ Occupancy rate
- ◆ Average booking rate per night
- ◆ Average Airbnb private room price (Fayetteville)
- ◆ Average hotel room price (Fayetteville)
- ◆ Average Airbnb private room price (Downtown Fayetteville)
- ◆ Average hotel room price (Downtown Fayetteville)<sup>3</sup>

Based on this information, the students generated maps of short-term rental locations in the Fayetteville area, noting a large concentration of Airbnb rentals in the downtown area. This analysis was presented to city staff and elected officials in December 2018 to inform their discussion on short-term rentals in Fayetteville.



## CITY SPOTLIGHT: SAN DIEGO, CA

While drafting its short-term rental ordinance, the City of San Diego engaged a wide variety of stakeholders including:

- ◆ Unite Here, a union for motel/lodges
- ◆ Neighborhood groups
- ◆ Hotel stakeholders, including the hotel/motel association
- ◆ Realtor groups and associations
- ◆ The restaurant association
- ◆ City Council
- ◆ Local planning boards and organizations
- ◆ Pre-existing STR operators
- ◆ Expedia Group and Airbnb

A staff member from the San Diego City Council conducted meetings with the stakeholders. The meeting format and length varied. The city representative sometimes met stakeholders individually or invited them to speak at public meetings. Those interested in engaging longer-term were invited to a permanent stakeholder group. The stakeholder group continues to provide input on short-term rental regulation implementation.

Compromise was eventually reached, most notably in the form of a memorandum of understanding (MOU) between Unite Here and Expedia Group. Through the MOU, these two major stakeholders with different perspectives agreed to partner to help regulate the short-term rental market. The MOU also laid the foundation for the regulations that the city would push forward when engaging with other stakeholder groups. Following this engagement process, the ordinance was presented to the public, Planning Commission, mayor and Coastal Commission. The city found that putting the time in to build relationships and establish trust between the municipality and short-term rental platforms was essential to the ordinance’s success. Further, going into the process with a clear goal, while being mindful of what compromises could be made, allowed the city to achieve buy-in from a diversity of stakeholders.



IDENTIFY POLICY GOAL(S)

**Develop a clear and concise policy goal for the short-term rental ordinance, driven by the city’s overarching goals and community input.** Review strategic city plans (e.g., comprehensive housing plans, 5- and 10-year city visions, master plans) and identify top city priorities that may dovetail with priorities for short-term rentals. For example, a city may have a broader goal to advance housing affordability and may choose to focus on preserving the stock of affordable housing as a policy goal. Or a city may have the broader goal to attract more tourism and choose to focus its regulations on enabling short-term rentals with appropriate guardrails in place as the tourism industry continues to grow.

Cities should be intentional about setting a goal or priority before drafting regulations. Without a clear “end goal,” cities can pass regulations that may not align with community priorities, and do not have effective mechanisms to accomplish them. By deciding on a policy and community goal, cities can craft a simpler and more targeted ordinance.

Common goals, based on NLC’s analysis of 60 cities, include:

- ◆ Prevent the loss of rental housing stock
- ◆ Support tourism in a balanced way
- ◆ Combat displacement
- ◆ Preserve the residential quality of neighborhoods
- ◆ Ensure health and safety for guests and residents
- ◆ Balance the needs and rights of property owners and neighbors
- ◆ Allow economic gain for residents
- ◆ Capture tax revenue
- ◆ Slow or prevent the overgrowth of STRs



KEY CONSIDERATION

Balance competing expectations. By their nature, short-term rentals can be a contentious issue, with strongly vested interests on all sides. Each stakeholder will have to make concessions from their vision of “ideal” regulations, so helping the community and STR platforms understand that compromise is needed is critical to setting realistic expectations. Having a clear policy goal will also help coalesce stakeholders around the city’s broader vision and help justify policy choices.



CITY SPOTLIGHT:  
CHARLESTON, SC

The City of Charleston began regulating short-term rentals in 2012, when it adopted regulations that allowed commercially zoned properties to be rented as short-term rentals in the Cannonborough Elliotborough neighborhood. The goal of the regulation was to bring reinvestment into vacant, abandoned and distressed properties in the neighborhood. In subsequent years, the city saw an increase in the number of short-term rental units in Cannonborough Elliotborough and throughout Charleston. With a growing number of short-term rentals and an incoming mayor interested in revisiting short-term rental regulations, the policy moved to the forefront of Charleston’s agenda again.

In 2016, the mayor and City Council began the process of updating short-term rental regulations by appointing a committee of local citizens to study and provide recommendations on short-term rentals. The committee included residents, representatives of the city’s preservation and historical societies, and tourism interests. Over time, a consensus was built around the goal to preserve the historic nature of downtown Charleston and allow short-term rentals to contribute to the local tourism economy, but only in such a way that did not alter the character of the city and negatively affect residents’ quality of life.

Based on this consensus, the city developed a category-based short-term rental permitting system that requires most short-term rentals to be owner-occupied, and details additional requirements for properties located in downtown Charleston or in properties listed with the National Register of Historic Places.

## DEVELOP AND PASS REGULATIONS

As the short-term rental industry continues to mature, it has become clear that complex regulations are not only cumbersome for hosts and residents of the city but are also unenforceable. Policies with clear goals, fair implementation and mechanisms for enforcement will help everyone.

### APPLY A RACIAL EQUITY LENS

One of the most commonly cited benefits of short-term rentals is that they allow hosts to generate extra income from existing assets. While this may be true, hosting is most commonly available to those who own a home. Homeownership is inseparable from race and inequality in America. According to the latest estimates from the U.S. Census Bureau, the homeownership gap between White and Black households was 30 percent in 2020.<sup>4</sup> According to NLC’s ordinance analysis, only 38 percent of cities surveyed specifically allowed tenants to host a short-term rental. Even then, cities that do explicitly state that tenants are allowed to host require them to acquire written consent from their landlords or have a rental contract that allows them to sublet their unit. Tenants face a high barrier to host even in the minority of cities that allow them to.

**The ability of short-term rentals to democratize the tourism industry is overstated when a majority of Black, Indigenous and People of Color (BIPOC) do not have access to homeownership.** Given the divide in homeownership in America, the direct economic benefit of short-term rentals may exacerbate existing inequality. There is also evidence that hosts may discriminate based on race and ethnicity. A 2017 study of Airbnb data found that “applications from guests with distinctively African-American names are 16 percent less likely to be accepted relative to identical guests with distinctively White names.”<sup>5</sup> Airbnb has since made moves to fight bias and discrimination, including changing when guest pictures are shown to a host in the booking process.<sup>6</sup> The city of Columbus, OH, passed a discrimination clause in its ordinance stipulating that a host shall not decline a potential guest, impose different terms or conditions, or discourage or indicate a preference for or against a guest based on race, gender, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.<sup>7</sup>

38%

of cities surveyed specifically allowed tenants to host a short-term rental.



#### KEY CONSIDERATION

Recognize the role that short-term rentals play in exacerbating housing unaffordability. Consider dedicating some portion of STR permit or tax revenue towards affordable housing funds or homeownership opportunities, or earmarking general fund dollars for similar programs. Boulder, CO stipulates in its ordinance that “after administration expenses are met, any additional funds shall be placed in the city’s affordable housing fund.”<sup>8</sup>

### PASS REGULATIONS EARLY

The short-term rental industry is rapidly growing. **Given the complexity of the policy and regulatory space, be proactive and establish regulations before short-term rentals have a negative impact on the community.** Establishing regulations gives cities the power to intervene when necessary. It is much easier to limit the spread of short-term rentals before they have proliferated than it is to retroactively remove them from the market. Establishing regulations also becomes increasingly controversial as more stakeholders have a vested interest in seeing them maintained. Even cities that have not yet faced the negative impacts of short-term rentals should pass regulations to regulate the STR market before they proliferate.



#### KEY CONSIDERATION

A common hurdle that cities face is what to do with pre-existing short-term rentals once a new ordinance is passed. In 58 percent of the cities reviewed in the NLC ordinance analysis, cities required existing hosts to comply with regulations or apply for a permit or license. Cities must communicate early and clearly with existing hosts about their responsibilities under a newly passed or revised ordinance to give them time to meet new regulations.

### CRAFT SIMPLE REGULATIONS

Craft simple ordinances that are clear about policy goals. This will better equip leaders to engage in conversation with platforms, residents, property owners and other stakeholders invested in the ordinance outcome. Below is a list of common goals found in the ordinance analysis, and key ordinance elements to achieve those goals.

Policy Levers to Pull to Achieve Common Policy Goals

POLICY GOAL	POLICY LEVERS
<b>PREVENT THE LOSS OF RENTAL HOUSING</b> Prevent long-term rental properties from being converted to short-term rentals.	Adopt a permit requirement and institute a host residency requirement, which should prevent homeowners from renting properties solely as short-term rentals and prevent properties from being purchased for the sole purpose of operating as short-term rentals.
<b>SLOW OR PREVENT THE OVERGROWTH OF STRS</b> Prevent residential neighborhoods from being “overtaken” by guests to the detrimental of the neighborhood and residential feel of a neighborhood.	Adopt a permit requirement and set a specific quota (number or percentage) on the number of short-term rental permits that will be distributed in a particular geographic area (e.g., neighborhood, census tract, ZIP code, etc.).
<b>COMBAT DISPLACEMENT</b> The presence of short-term rentals can be particularly contentious in certain neighborhoods (e.g., neighborhoods that are experiencing displacement).	<p>Adopt a permit requirement and set a quota on the number of short-term rentals that are allowed to operate in a specific zoning district or neighborhood, particularly areas of the city that are at risk of, or are currently experiencing displacement pressure. Beware that such quotas can limit existing low-income homeowners’ ability to earn revenues from their homes. Therefore, consider how to equitably distribute permits.</p> <p>Consider dedicating some revenue generated from permit fees or taxes to affordable housing or home-ownership programs. Explicitly restrict affordable housing units from being rented out as short-term rentals.</p>
<b>PRESERVE THE RESIDENTIAL QUALITY OF NEIGHBORHOODS</b> Limit problem properties such as party houses or houses with complaints.	<p>Adopt a permit requirement and include a limit to the number of people that can stay in a short-term rental. This limit can be tied to the number of bedrooms in a short-term rental, or a total cap on the number that can stay in any type of property. A common limit that cities institute is two adults per bedroom.</p> <p>Require that short-term rental hosts provide their guests with a “Good Neighbor Guide” that summarizes all ordinances that guests are required to comply with during their stay (e.g., noise, trash, parking, etc.).</p> <p>Set restrictions on the number or percentage of short-term rentals that are allowed to operate in a particular neighborhood (or other geographic areas, such as census tract, ZIP code, etc.).</p>
<b>BALANCE THE NEEDS AND RIGHTS OF PROPERTY OWNERS AND NEIGHBORS</b> While lawful hosts have the right to rent their properties out, they should not infringe on the rights of neighbors. Enable hosts to rent out their homes while also ensuring that residents know where and how to file a complaint.	<p>Adopt a permit requirement and establish a process for revoking permits from properties in violation, such as a “three strikes” rule. If three verified complaints are filed within a certain time, the city can revoke a host’s permit.</p> <p>Establish a 24/7 hotline that residents can phone to report non-emergencies without calling the local police department or law enforcement. Require short-term rental permit hosts to list a local contact who can be reached should an issue arise.<sup>9</sup></p>

POLICY GOAL	POLICY LEVERS
<b>ENSURE HEALTH AND SAFETY OF GUESTS AND RESIDENTS</b> Ensure the safety of guests and residents, including minimizing public safety risks and noise and trash complaints.	<p>Adopt a permit requirement that requires each listing to include a local contact who can be reached at any time. Use this emergency contact if a complaint is filed. Stipulate that if the registered contact is not responsive, the host’s permit risks being terminated.</p> <p>Institute a permanent residency requirement. City leaders report that most complaints come from non-owner-occupied units. Hosts may be more invested in their property if they, too, call it home.</p> <p>Require that short-term rental hosts provide their guests with a “Good Neighbor Guide” that summarizes all ordinances that guests are required to comply with during their stay (e.g., noise, trash, parking, etc.).</p> <p>Require an inspection, or, if the city cannot carry out inspections, stipulate that the city has the right to inspect a property should sufficient suspicion arise that the property is not up to code.</p> <p>Institute a process for revoking permits from properties in violation, such as a “three strikes” rule. If three verified complaints are filed within a certain time, the city can revoke a host’s permit.</p>
<b>CAPTURING TAX REVENUE</b> Ensure that revenue is being collected.	<p>Adopt a permit requirement that will make it easier to identify whether hosts are complying and paying the appropriate taxes. Use permit and tax revenue to either hire additional staff or a third-party provider to help monitor compliance.</p> <p>Reach an agreement with platforms that requires them to automatically collect and remit taxes back to the city. Be wary of the transparency of the tax remittance process and ensure that the city’s enforcement powers are not stifled.</p>
<b>SUPPORT TOURISM IN A BALANCED WAY</b> Tourism is a key component to many local economies and short-term rentals can play a role in facilitating tourism without impacting residents if done in a balanced way.	Adopt a permit requirement and set an annual permit reapplication. Make clear that applications can be denied if regulations change. Adopting a formal permit requirement will not deter hosts from participating, so long as the permitting process is not overly cumbersome. Ensure the permit fees are reasonable and tied to the cost of administering the permit program.
<b>ALLOW FOR ECONOMIC GAIN FOR RESIDENTS</b> Short-term rentals can support wealth building for community members, although city leaders must pay attention to who is eligible to host.	Adopt a permit requirement. The permit system should be simple and easy to navigate, particularly if the city is trying to encourage more permanent residents to host on a part-time basis. If the administrative burden is too high, few will be willing to put in the effort.



INSTITUTE A PERMIT REQUIREMENT

Enforceable short-term rental ordinances require owners who want to host short-term rentals to acquire a permit before renting. In general, a permit requirement allows local governments to create and maintain a database of units and contact information for properties that are operating as short-term rentals. **The information provided in an application is key to enforcing the ordinance, allowing the city to have a point of contact to check in with when a property is not in compliance.**<sup>10</sup> Without information on who is operating short-term rentals, cities are effectively rendered helpless in enforcing their regulations. Having an active database of short-term rentals in operation is key to moving from a reactive to a proactive approach to enforcement.

**To ensure that hosts are acquiring permits, the city must have a mechanism to check to ensure compliance.** Some cities, like San Francisco, have negotiated agreements with platforms that require the platform to put a permit number on the host listing.<sup>11</sup> In other cases, cities have hired third-party platforms to aid their enforcement efforts. The City of Nashville, TN, uses Granicus’s Host Compliance, a short-term rental compliance monitoring platform, to support enforcement efforts. According to Nashville officials, the Code Department was struggling to enforce its regulations when they were relying on a complaint-based process. The city was manually identifying STR addresses. With more than 60 active rental websites and private addresses and contact information, it proved to be too herculean an effort to maintain. Host Compliance’s online portal enables the city to identify illegal operators before there is a complaint, moving from reactive to proactive enforcement. Since implementing Host Compliance, Nashville has more than doubled its compliance rate to 91 percent.<sup>12</sup>



KEY CONSIDERATION

Without a clear and streamlined application or licensing process, applications may backlog. This leads to an unhappy and distrustful community and may encourage illegal rentals to operate while they are in the process of being considered for a permit. In some cases, operators will purposely and continuously file for permits and operate while under consideration.

Always tie the permit to the person, not the parcel. This will allow for natural attrition over time (e.g., someone sells their home, and the new owner must reapply for a short-term rental permit).

DETERMINE FINES AND FEES

Many cities adopt fine structures to incentivize compliance by short-term rental hosts. According to NLC’s analysis, fines range from \$200 a day to \$2,000 per violation, which may escalate each day. Beyond deciding the fine structure, cities must have adequate staff and resources to identify hosts who are not in compliance and communicate to hosts how to stay in compliance and avoid violations.

**Fines should be proportionate to or more than the economic gains that potential violators can realize from breaking the rules, and should escalate for repeat violators, including the threat of revocation of a permit or license.** Host Compliance offers the following fines and fees schedule for cities to consider:

Example Fine Schedule

	1 <sup>st</sup> violation	2 <sup>nd</sup> violation	3 <sup>rd</sup> violation	4 <sup>th</sup> violation
Fine for advertising a property for short-term rent (online or offline) without first having obtained a permit or complying with local listing requirements	\$200 per day	\$400 per day	\$650 per day	Upon the fourth or subsequent violation in any twenty-four month period, the local government may suspend or revoke any permit. The suspension or revocation can be appealed.
Fine for violating any other requirements of the local government’s short-term rental regulation	\$250 per day	\$500 per day	\$750 per day	

**Notes:**

- a. Any person found to be in violation of this regulation in a civil case brought by a law enforcement agency shall be ordered to reimburse the local government and other participating law enforcement agencies their full investigative costs, pay all back-owed taxes, and remit all illegally obtained short-term rental revenue proceeds to the local government.
- b. Any unpaid fine will be subject to interest from the date on which the fine became due and payable to the local government until the date of payment.
- c. The remedies provided for in this fine schedule are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the local government to address any violation or other public nuisance.

Source: Host Compliance



## CITY SPOTLIGHT: LAKE PLACID, NY

The Village of Lake Placid collaborated with its justice court to define a short-term rental fine structure based on other successful cases. Lake Placid's short-term rental fines range from \$350 to \$1,000 for the first violation plus the costs that the village has incurred for enforcement (e.g., staff time and attorney fees). Each week that the violation is not remedied constitutes a separate offense. The second violation that occurs within five years will incur a fine of between \$1,000 and \$3,000. Short-term rental violations can be appealed within 30 days to the joint Town of North Elba/Village of Lake Placid Short-Term Rental Appeals Board by either the short-term rental property owner or the complainant.<sup>13</sup> In most cases, hosts do not intentionally violate regulations, and disputes are often settled without the host incurring a fine.

## ESTABLISH A CLEAR TAXING MODEL

Be mindful that there are multiple ways to capture revenue. In most cases, the owner/host is responsible for remitting taxes back to the city; however, several cities are trying to move the collection burden from hosts to the platforms. According to NLC's analysis, 82 percent of surveyed cities require the host to remit taxes directly to the city, while just 5 percent require the platform to collect and remit taxes on their behalf.

Cities like Annapolis, MD, and Charleston, SC, require platforms to remit taxes back to the city on behalf of hosts, automatically collecting tax revenue from a booking when it is made. While it may be easier for cities to require platforms to remit taxes, beware that there is some ongoing controversy around whether cities get back all the taxes they are owed. Several cities in South Carolina, including Charleston, are suing platforms, alleging that they are not remitting full taxes.<sup>14</sup>

In addition to the transient occupancy tax, some city councils may add an additional tax or surcharge on short-term rentals. For example, Chicago, IL, passed a 4 percent surcharge in 2016 and another 2 percent surcharge in 2018.<sup>15</sup> The surcharge funds supportive homelessness services and enforcement of the ordinance.<sup>16</sup>

**82%**  
of cities require the host to remit taxes directly to the city, while 5 percent require the platform to collect and remit taxes of hosts behalf.



### KEY CONSIDERATION

Be mindful of how difficult it may be for hosts to remit taxes to the city. If a host has to remit taxes directly, consider how to make that process as simple and streamlined as possible. This not only makes it easier for hosts but ensures that the city is capturing more of the tax revenue it is owed. Include clear and concise instructions on how to remit taxes on the city's webpage and a user-friendly platform to make payments. Consider sending notifications to all short-term rental hosts about upcoming tax payments.

NEGOTIATE AN AGREEMENT WITH PLATFORMS

Cities have had varying success in building helpful agreements with platforms. Cities have a lot to gain by partnering with platforms; however, the relationship-building process can be contentious at times. These relationships are more likely to be positive when cities come to the discussion table with a clear goal in mind and communicate it with platforms. Cities may have the opportunity to negotiate agreements with platforms, such as voluntary collection agreements (VCAs) or memorandums of understanding (MOUs).

Voluntary Collection Agreements

A Voluntary Collection Agreement (VCA) typically involves a short-term rental platform agreeing to collect and remit transient occupancy taxes on behalf of its hosts. Agreements generally allow local governments to audit the platform, rather than the operator, but do not allow local governments to access information that could identify operators outside of the terms of the agreement.

Many short-term rental platforms have agreements with local governments. As of March 2019, Airbnb had more than 350 VCAs with state and local governments in the U.S.<sup>17</sup> While VCAs allows local governments to receive a steady stream of transient occupancy taxes, officials in several states have expressed concerns that these agreements allow platforms to remit less to governments than they owe, a problem compounded by VCA provisions that hinder tax authorities' ability to audit platforms.<sup>18</sup> See the Appendix for more information on VCAs.

Voluntary Collection Agreement (VCA):

A VCA typically involves a short-term rental platform agreeing to collect and remit transient occupancy taxes on behalf of its hosts.

Memorandum of Understanding

A memorandum of understanding (MOU) typically focuses on issues such as disclosing data, posting property registration numbers and removing illegal listings. Be aware that an MOU can include provisions that limit cities' enforcement power or create additional duties for cities. For example, in its draft MOU with the City of Denver, Airbnb included provisions that would have made the MOU confidential and require the city to resort to arbitration to resolve disputes. Together, these provisions would have limited transparency and hampered the city's ability to use the courts for its enforcement actions. Denver rejected the draft.<sup>19</sup>

MOUs may create additional duties for cities, such as when an MOU requires a platform to take down listings for unregistered properties but places the burden on cities to inform the platform about suspicious properties — a resource-intensive task. Cities may attempt to shift some of these burdens onto the platform. In one settlement with New York City, Airbnb agreed to automatically provide information for certain listings that met specific criteria.<sup>20</sup> In the City of Portland, OR's MOU with Airbnb, the two parties share duties: Airbnb is responsible for regularly reporting data about hosts and properties, and Portland is responsible for using the information it receives to verify that hosts have properly registered.<sup>21</sup>

Memorandum of Understanding (MOU): A MOU typically focuses on issues such as disclosing data, posting property registration numbers and removing illegal listings.



KEY CONSIDERATION

Approach negotiated agreements well informed and with a clear policy goal in mind. Because VCAs and MOUs tend to be offered with standard language and provisions that benefit platforms and hinder city oversight efforts, cities should be prepared to analyze the agreements and decide whether and how to negotiate more favorable conditions.



## ENFORCEMENT

The purpose of regulations should not just be to capture additional revenue but to minimize and mitigate the negative side effects associated with the uncontrolled growth of short-term rentals. Cities need to move away from reactive to proactive enforcement when possible. Effective enforcement is key to an ordinance's success. Without regulations that clearly define what a short-term rental is, a database of units being operated, and contact information for those units, cities are effectively rendered helpless in enforcing their regulations.

### DEDICATE RESOURCES TO ENFORCEMENT

**Dedicated resources, time, staff and money are necessary for successful enforcement.** Short-term rental regulation enforcement can be revenue neutral or positive for municipalities when license, permit and tax revenue offsets costs.<sup>22</sup> In some cases, cities can also leverage existing resources such as 311 service to take in short-term rental complaints.

Some examples of key enforcement components that require dedicated resources include:

- ♦ Hiring additional code enforcement officers to identify and flag repeat offenders
- ♦ Hiring a third-party platform to help with data collection and enforcement
- ♦ Hiring a web developer to create a “one-stop-shop” website for STR hosts and residents
- ♦ Hiring additional staff to set up and service a complaint hotline
- ♦ Instituting (re)inspections for violating properties



### CITY SPOTLIGHT: COLUMBUS, OH

The most recent ordinance amendment in the City of Columbus allows the licensing department to deny, revoke or suspend a permit if there are three or more emergency calls made on a specific property in the previous 12 months (i.e., “three-call rule”). To help facilitate this system, the city’s technology department created an internal database that connects the 311 service with the city’s computer-aided dispatch software to allow enforcement to search the address on the map and know what type of emergency service was requested. City staff reference this database when an application is made or when a complaint about a property is filed. This allows the city to identify properties that have violated the ordinance or have passed the “three-call rule.”

**ENSURE EXTENSIVE COMMUNICATION AND MARKETING**

Transparent and clear communication and marketing are critical to the success of an ordinance. Clear communication will support the ordinance’s success (e.g., hosts, guests and residents know what the rules and regulations are) and is key to preventing community backlash when an ordinance is established or revisited.

Consistent contact with landlord associations and property owner groups allows the city to convey to hosts how to remain in compliance. This may be an opportunity to develop relationships with trusted voices in key groups who can serve as a liaison with the broader community and as a spokesperson for good hosting etiquette.

Regular contact with residents means that cities can convey the best way to file nuisance and safety complaints should there be a violation at a short-term rental. This helps communities feel like they have a trusted partner in the city to ensure community safety.



**KEY CONSIDERATION**

Consider hiring or assigning specific city staff to be liaisons with the community. Doing so may help establish trust among hosts, residents and the city, making room for more constructive conversations should something go awry. In addition, developing relationships with specific community members (e.g., hosts or residents) can help broaden the city’s reach into the community. For example, hosts who have good relationships with the city can promote good hosting etiquette in the community.

**MOVE REGISTRATION AND ADMINISTRATION SYSTEMS ONLINE**

To the extent possible, cities should limit the administrative burden on city staff and platform users. Moving registration or licensing systems online (while keeping the paper application option open) makes the process more seamless for hosts and less cumbersome for city staff who process those applications.

Beyond moving the registration or licensing system online, consider launching a centralized, accessible and easy-to-use webpage with all relevant short-term rental information. One common complaint that cities receive is that short-term rental regulations are difficult to understand. In most cases, it is not that the regulations themselves are too complex, but that regulations are not transparent and explained in an accessible way. Launching a webpage that is regularly updated keeps the community informed. According to a recent 2022 report and survey from Rent Responsibly and the College of Charleston, 49 percent of surveyed short-term rental hosts got information from government websites about local regulations that affect short-term rentals.<sup>23</sup> Furthermore, this webpage can serve as a resource for city staff who are not experts on short-term rentals but may be required to liaise with the public about them.







## CITY SPOTLIGHT: HENDERSON, NV

The City of Henderson set up an easily navigable webpage with information on short-term rentals, including application materials and answers to frequently asked questions.<sup>24</sup> This webpage serves as a “one-stop-shop” for hosts, residents and staff. The short-term rental webpage has the second-highest number of hits on the Henderson website.

### On the webpage hosts can:

- ◆ Find the most up-to-date short-term rental ordinance and state laws that apply to short-term rentals
- ◆ Register their short-term rental
  - Find city contact information to support them through the registration process
  - Find clear lists on how to apply and what documents are needed
  - Find application forms that are easy to download or file online
- ◆ Renew their short-term rental registration
- ◆ Pay their transient lodging tax and fees
  - Find tax forms that are easy to download

### On the webpage residents can:

- ◆ Find relevant short-term rental regulations, including the city ordinance and state laws that apply to short-term rentals
- ◆ Locate the complaint phone hotline to report any illegal short-term rental or to file noise, trash, parking, occupancy or other nuisance complaints
- ◆ Access the complaint website to submit a complaint online

## REVISIT AND ADAPT

The short-term rental market is consistently in flux, meaning regulations may have to change to meet the market and evolving community needs. Regularly revisit your ordinance to ensure that it still has the right balance of competing expectations and alignment with city goals.

## ESTABLISH A FEEDBACK LOOP

Particularly when first passing an ordinance, be intentional about setting metrics of success that align with policy goals. These qualitative and quantitative policy goal-aligned metrics will determine how performance is evaluated. Setting a dedicated evaluation period following the passage of a short-term rental ordinance will allow for better evaluation and help generate ideas of how to improve an ordinance. Make sure the public and the hosts understand that the regulation may change at the end of the evaluation period.

Build in a recurring check-in with relevant stakeholders to determine whether the short-term rental ordinance is meeting the city’s originally stated goal, and if not, what needs to be adjusted. This is where the feedback loop is particularly important. Keep an open line of communication with relevant stakeholders (e.g., landlord associations, property owners, residents, housing advocates, community groups, hotels, tourism agencies, etc.) to better understand how the implementation of the ordinance is playing out.

In Fayetteville, AR, the city authorizes a 20-month sunset clause in its ordinance, allowing city leaders to conduct regular review and reauthorization of the ordinance.<sup>25</sup> Some adjustments have been made following these regular review periods, including increasing the occupancy tax rate to better fund the cost of enforcement, adjusting the cap on the number of short-term rentals allowed in the community and requiring a unit inspection.



### KEY CONSIDERATION

If there is a recurring evaluation period for the ordinance, tell the community early on. Transparency is key to making sure hosts and residents know that regulations may change in the future. This may limit the potential backlash of changing regulations after passing them.





## Conclusion

**S**HORT-TERM RENTALS ARE here to stay and, when regulated with care and the proper safeguards in place, can be integrated into the fabric of a community. STRs can enhance tourism, stimulate economic growth in targeted neighborhoods and give residents a way to supplement their income, but can also exacerbate racial inequity, put pressures on affordable housing and disrupt neighborhoods. With proper regulation, cities can enjoy the benefits of STRs and limit their negative impacts.

**Regulating short-term rentals is not about limiting their potential, but about enacting the appropriate mechanisms to keep competing priorities and interests balanced.** As cities consider regulations to address short-term rentals in their communities, it is important that they act promptly, remain focused on a clear policy objective, consider racial equity, actively engage with relevant stakeholders, develop and enforce clear regulations, and provide continuous review of ordinances. The resources found in this Action Guide can help our communities find the proper balance to effectively support and regulate this growing industry.



# Appendix

## Voluntary Collection Agreements (VCAs)

	COMMON PROVISIONS	THINGS TO WATCH OUT FOR
<b>COLLECTION AND REMITTANCE</b>	Platforms agree to collect transient occupancy taxes from guests and remit the amount collected to the government taxing authority.	Without this provision, the platform may refuse to collect the tax, arguing that hosts are responsible for collection. Even with the provision, some platforms have been accused of under delivering taxes remitted to cities.
<b>REPORTING AGGREGATE INFORMATION</b>	<p>The platform agrees “reasonably to report aggregate information” related to its collection and remittance of transient occupancy taxes to the tax authority.</p> <p>Aggregate information includes the total amounts of receipts, exemptions, adjustments and so forth, but does <i>not</i> include individualized information for specific properties.</p>	Aggregate information does not allow cities to gather individualized information on particular properties.
<b>DETERMINING LIABILITY FOR TAXES</b>	The platform agrees to be held legally responsible for failure to report, collect or remit the transient occupancy taxes, and the tax authority agrees not to hold individual hosts responsible for reporting, collecting or remitting taxes on their property.	
<b>WAVIER OF LOOK-BACK</b>	The tax authority agrees not to pursue any actions to recover unpaid taxes that had been due before the date the agreement went into effect.	If the city has not yet received payments from a large proportion of STRs, then waiving all claims on taxes owed before the VCA’s implementation will result in the city potentially forfeiting a significant amount of tax revenue. On the other hand, a city may not have the capacity to go after back taxes, and be mostly concerned with collection of future taxes, making waiver of past tax liability a lower priority.
<b>NOTIFICATION TO HOSTS AND RENTERS</b>	The platform agrees to notify hosts and renters that it will be collecting and remitting transient occupancy taxes for their transactions.	

	COMMON PROVISIONS	THINGS TO WATCH OUT FOR
<b>AUDITING</b>	<p>The tax authority agrees to audit the platform on the basis of its tax returns and supporting documentation, rather than on audits of individual renters or hosts. Some VCAs also state that the tax authority cannot audit individual renters or hosts until it has finished auditing the platform and a tax issue remains unresolved.</p> <p>All transaction and tax data reviewed by a city tax authority must be anonymized. If the city suspects wrongdoing on the part of a specific host, it must first audit the anonymous data, then pick out suspicious transactions, and then finally obtain a subpoena to get identifiable data from the platform.</p> <p>The tax authority agrees to limit the number of times it will audit the platform (e.g., to only audit the platform once every two years, and to only audit transactions conducted over a 12-month stretch.)</p>	<p>This may limit the tax authority’s access to data and ability to audit individual hosts and affect city efforts to enforce home-sharing laws. Cities such as Culver City, CA, have negotiated alternative provisions ensuring that they can continue to audit individual hosts if they receive information about the property’s violations from another source.<sup>26</sup></p> <p>Anonymized data may mean that cities can only use <i>aggregate</i> information, which prevents cities from investigating individual cases of violation. For example, Snowmass, CO, states that it will audit “on an anonymous numbered account basis,” suggesting that disaggregation is not required.<sup>27</sup> Cities can also suggest alternative kinds of privacy protection that allow for individualized reports, such as pseudonymizing information.</p> <p>VCAs typically provide that all information about hosts and guests will remain <i>anonymous</i> unless the city has completed an audit of the platform and served the platform with a subpoena or similar legal process. Cities may want to negotiate changes to this provision to allow them to ensure that properties are registered. For example, if cities have already passed ordinances requiring registration, their audits might request information about the registration number.</p> <p>Cities can negotiate limits on audit frequency to allow for more frequent and tailored enforcement efforts. For instance, the audit frequency in Pacific Grove, CA, is once every 36 months; although this period may still be too long for many cities to effectively audit home-sharing, it does indicate that VCAs’ time provisions can vary.<sup>28</sup></p>

# Endnotes

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<sup>3</sup> Resolution: 172-19 A Resolution to Request That City Staff Study and Develop an Ordinance to Regulate Short-Term Rentals in the City of Fayetteville (2019, July 16). Fayetteville City Code. <https://web.archive.org/web/20220310192617/https://www.fayetteville-ar.gov/DocumentCenter/View/19304/Short-Term-Rentals-Study-SIGNED-RES-172-19>

<sup>4</sup> U.S. Census Bureau. (n.d.). *Quarterly homeownership rates by race and ethnicity of householder for the United States: 1994-2020*. <https://www.census.gov/housing/hvs/data/charts/fig08.pdf>

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# **DRAFT SHORT TERM RENTAL ORDINANCE FOR TOWN OF WARREN VT**

**July 19, 2024 version**

## **§ 1. Authority**

## **§ 2. Purpose**

## **§ 3. Definitions**

## **§ 4 Regulations**

## **§ 5. Permit application requirement**

## **§ 6. Standards**

## **§ 7. Procedure upon filing application**

## **§ 8. Inspection**

## **§ 9 Recordkeeping Requirements**

## **§ 10. Compliance, hearings and penalties**

## **§11. Expiration**

## **§ 1. Authority.**

This Ordinance is adopted pursuant to the authority set forth in Chapters 59 and 61 of Title 24 of the Vermont Statutes Annotated, including specifically 24 VSA § 2291(29). This Ordinance is a civil ordinance under 24 V.S.A. § 1971(b).

## **§ 2. Purpose.**

Given the rise in popularity of online platforms like Airbnb and HomeAway/ VRBO, the Town of Warren (the “Town”) is examining the economic and social impacts of short-term rentals.

STRs provide property owners with the opportunity to earn income. STRs also benefit Warren’s and the whole Mad River Valley’s tourism economy and provide guests with a convenient, and sometimes more affordable, place to stay when traveling. However, along with the benefits of STRs, there may be associated negative impacts, such as reducing the number of dwelling units available for long-term occupancy and impacts on neighbors and the character of a neighborhood. By establishing a permitting process for short-term rental properties, the Town of Warren seeks to:

- (a) Gather Data: Collect information about STRs in Warren to inform future decisions; and
- (b) Ensure Safe and Responsible Operation by collecting emergency contact information, promoting good neighbor practices, and ensuring safety standards are met.

## **§ 3 Definitions.**

(1) “Short-Term Rental (STR)” means a furnished residence rented for fewer than 30 consecutive days and for more than 14 days per calendar year, excluding commercial lodging establishments (e.g., hotels, motels, inns and bed and breakfasts).

- (2) “Property Owner” means the individual(s) or entity/entities that hold legal title to the STR property.
- (3) “Local Host” means an individual designated by the property owner who can respond on-site to the STR property within one hour (by automobile) in case of emergencies.
- (4) “Zoning Administrator” means the Town official responsible for administering and enforcing this ordinance.

#### **§ 4 Regulations.**

Property owners must obtain a permit whenever a dwelling unit is to be used as a short-term rental.

- (a) A short-term rental permit shall be obtained prior to using the unit as a short-term rental.
- (b) The Zoning Administrator may inspect the short-term rental for compliance with Town and state codes. The short-term rental shall not operate unless it is in full compliance with Town and state codes.
- (c) A short-term rental permit shall be valid for one calendar year, shall expire on December 31 of the year it is in effect, and must be renewed upon expiration as long as the unit is to be continued to be used as a short-term rental.
- (d) The short-term rental permit is transferable to a new owner, so long as the new owner registers with the Town, updates the short-term rental permit application and agrees in writing to comply with the requirements of the short-term rental permit and these regulations within 30 days of sale.

#### **§ 5. Permit application requirement.**

An application for (or renewal of) a short-term rental permit shall be submitted to the Town Zoning Administrator. The application/renewal must be completed on the form provided by the Town. It must be accompanied by payment of a permit fee, as determined by the Town Select Board. If relevant circumstances on the property change or for any reason the certification is or becomes inaccurate, a new certification shall be submitted.

The application shall provide the following information:

- (a) List of all the property owners of the short-term rental including names, residential addresses, telephone numbers and email addresses. Each property owner must also provide the address of their principal residence if it is different from that of the short-term rental. (In the event the property is owned by an entity such a trust or LLC, the ultimate owners and/or beneficiaries of such entity shall provide the information required by this paragraph.)
- (b) Completion of a signed affidavit by the property owners certifying the following:
  - (1) The number of sleeping rooms within the short-term rental, as defined in this section.
  - (2) The number of parking spaces on the property that meet the standard set forth below.
  - (3) The septic capacity of the STR property.
  - (4) Compliance with the following standards:
    - A. The Short-Term Rental Safety, Health and Financial Obligations of the Vermont Departments of Health and Fire Safety [See the Vermont Division of Fire Safety at: [Safety Consideration sort term rentals.pdf](https://www.vermont.gov/division-of-fire-safety/safety-considerations-for-short-term-rentals.pdf) ([vermont.gov](https://www.vermont.gov))

- B. All exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.
  - C. Electrical systems shall be serviceable with no visual defects or unsafe conditions.
  - D. All solid fuel-burning appliances (i.e., a chimney-connected device that burns solid fuel designed for purposes of heating, cooking, illumination, decoration or ambiance, including but not limited to wood stoves and heaters, fireplace inserts, masonry chimneys or fireboxes and pellet stoves) must be inspected in accordance with the Town of Warren Solid Fuel Burning Appliance Ordinance (<https://www.warrenvt.org/wp-content/uploads/2018/03/Solid-Fuel-Burning-Ordinance.pdf>)
- (c) A property map showing the location of buildings, required parking and, if not served by a public sewer, the location of the septic system and leach field. An accurate, suitable plan need not be prepared by a professional.
  - (d) For owner-occupied short-term rentals, the owner must provide their name, address, telephone number and email address. For non-owner-occupied short-term rentals, the owner must designate a local (i.e., within 60 minutes by automobile) host and provide the name, address, telephone number and email address of the local host, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The host may be the owner, or a local host or agent designated by the owner to serve as a contact person.
  - (e) A declaration of insurance coverage specific to the renting of short-term vacation rentals is required
  - (f) Payment of a fee which has been set by the Town Selectboard.

## **§ 6. Standards.**

All short-term rentals must meet the following standards:

- (a) The maximum occupancy for each short-term rental unit shall be the number of people calculated based on two persons per sleeping room (unless the room size is below 100 square feet) plus an additional two persons. In all cases, maximum occupancy must be within the septic capacity of the short-term rental unit.  
  
For this purpose, a "sleeping room" is defined as fully enclosed habitable space of at least 70 square feet for one person and 100 square feet for two persons, with an emergency escape or rescue opening.
- (b) The property must have sufficient off-street parking spaces to accommodate the maximum occupancy.
- (c) Tenants and guests shall park in the off-street parking spaces.
- (d) A house number visible from the street or road shall be maintained.
- (e) Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be animal proof and always secured with tight-fitting covers to prevent leakage, spilling or odors.
- (f) Advertisements for the short-term rental must conform to what is allowed under these regulations and the short-term rental permit.



- (g) In the event of a federal, state or local disaster declaration, all owners and guests must comply with federal, state and/or local disaster orders.

## **§ 7. Procedure upon filing application.**

- A. Upon the filing with the Town Zoning Administrator of the permit application, permit fee, and all documents and information required by this ordinance, the Town Zoning Administrator shall have 45 days to review the application and then either issue the permit, with or without conditions, or notify the applicant in writing that the application has been denied along with the reason or reasons for denial.
- B. The Town Zoning Administrator may decline an application for any of the following reasons:
  - (1) If the application is incomplete, the documentation required by this ordinance was not included with the application or the application or the full permit fee, in payment form acceptable to the Town Treasurer, was not included with the application.
  - (2) If the Town of Warren issued a short-term rental permit to any of the owners needing to sign the short-term rental permit application and any of such owners had a short-term rental permit revoked within the previous year.
- C. Short-term rental permits issued pursuant to this section shall state the following:
  - (1) The names, addresses and phone numbers of every person or entity who has an ownership interest in the short-term rental property and the host who shall be available during the entire time the short-term rental property is being occupied.
  - (2) The maximum occupancy and vehicle limits for the short-term rental unit.
  - (3) Identification of the number of and location of parking spaces available.
  - (4) A statement that no outdoor fires are allowed, except as permitted by local and state law. Outdoor barbecues and supervised fires in fire pits are permitted.
  - (5) No tents will be allowed as overnight quarters.
  - (6) Any animals which are pets of guests shall not leave the subject parcel except when under control by leash.
  - (7) A statement that no noise beyond normal levels shall emanate between 10:00 p.m. and 9:00 a.m.
  - (8) A statement that the short-term rental permit may be revoked for violations.

## **§ 8. Inspection**

The Zoning Administrator may inspect any property before issuing a permit, or at any time thereafter. The Town reserves the right to validate via inspection or otherwise any information contained in the permit application.

## **§ 9. Recordkeeping Requirements**

- A. Owners and operators of short-term rentals are required to keep written (including electronic) records of advertising information and rental activity (i.e., number of

bookings, name of booking guest, number of people, length of stay, amount collected, amount of tax collected or remitted) for a minimum of three years.

- B. In the event of a dispute with the owner(s) of a short-term rental as to the need for a permit or as to compliance with this ordinance, the Zoning Administrator shall have the right to inspect the written records upon reasonable notice.

## **§ 10. Compliance, hearings and penalties.**

- A. Owners of short-term rental units must obey all applicable laws, ordinances and regulations of the Town of Warren, Washington County, Vermont, and the United States of America, and shall be subject to the enforcement and penalty proceedings contained in this ordinance.
- B. If the Town Zoning Administrator determines a violation of the permit or of this Ordinance or the Town's Land Use and Development Regulations, the Zoning Administrator may do any of the following depending on the circumstances:
- (1) Issue a Notice to Remedy;
  - (2) Impose a fine or suspension pursuant to the Schedule below;
  - (3) Initiate a hearing before the Selectboard; and/or
  - (4) Attach reasonable conditions to the existing short-term rental permit.

### **Fine Schedule**

	1 <sup>st</sup> violation	2 <sup>nd</sup> violation	3 <sup>rd</sup> violation	
Fine for advertising a property for short-term rent (online or offline) without first having obtained a permit or complying with local listing requirements	\$300	\$600	\$900	Upon the fourth or subsequent violation in any twenty- four-month period, the Town may suspend or revoke any permit. The suspension or revocation can be appealed
Fine for violating any other requirements of this short-term rental regulation	\$150	\$300	\$450	

#### **Notes:**

- a. Any person found to be in violation of this ordinance shall be ordered to remit all illegally obtained short-term rental revenue proceeds to the Town.
- b. Any unpaid fine will be subject to interest from the date on which the fine became due and payable to the Town until the date of payment.
- c. The remedies provided for in this fine schedule are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the Town to address any violation or other public nuisance.

## **§11. Expiration**

This ordinance will expire in two years after its initial adoption to allow for a period of data gathering and analysis. Upon expiration of this ordinance, the Selectboard will revisit the issue of STRs and adopt a new ordinance to replace this one.