

## Appendix-

- A. Certification of Occupancy bylaw- requires all rental property to be inspected; facilitates developing a registry of local rental property, including short term rentals.

### **Occupancy permits and change of occupancy permits required.**

A. No rental dwelling unit, apartment or tenement shall be occupied unless an occupancy or change of occupancy permit has been issued by the Board of Health.

B. Whenever a rented dwelling unit, apartment or tenement, other than a hotel, motel or rooming house, is vacated by an occupant of occupants thereof, or within ten (10) days before the expiration date of the anticipated vacancy, it must be certified by the Board of Health or its agents prior to being reoccupied by a new occupant as meeting the standards as set forth in the Sanitary

### Code, Article li, Minimum Standards of Fitness for

Human Habitation, as promulgated and from time to time amended by the Department of Public Health of the Commonwealth of Massachusetts, under the authority of the MGL C 111, s 127A and applicable local bylaws. However, regardless of the number of occupancy changes during any twelve-month period, one (1) such certificate shall be sufficient for such twelve-month period. A record owner shall be required to obtain a renewal of the Certificate of Occupancy at least annually.

C. No electric service shall be restored nor billing transferred, except those deemed necessary by the Board of Health or its agents to prevent damage to the dwelling unit, apartment or tenement, until such time that the Hull Electric Light Plant is notified by the Board of Health or its agents, after an inspection of the dwelling unit, apartment or tenement, that it is certified as being fit for human habitation.

D. If within seventy-two (72) hours, excluding Saturdays, Sundays and holidays, after receipt of written notification, in the form of an application for a change of occupancy permit, from the owner, managing

agent or person in possession, the Board of Health or its agents fail to make an inspection, then the rented dwelling unit, apartment or tenement may be reoccupied without such a permit, and the Board of Health or its agents will notify the Hull Electric Light Plant that the electric service can be restored or billing transferred. However, the Board of Health or its agents, may inspect said premises after the seventy-two-hour period, whether the premises have been occupied or not, for the purposes of determining eligibility for an occupancy or change of occupancy permit, as provided for under this chapter, and may issue said permit.

E. A record owner desiring a change of occupancy permit shall make application therefor to the Board of Health on the forms provided for that purpose but no action need be taken by the Board of Health in the event that the information requested on the application is incomplete in any regard. Such application shall contain thereon, among other things, the written authorization of the owner permitting the Board of Health and its duly authorized agents to inspect the premises for which a certificate is sought.

F. Upon receipt of an application for a change of occupancy permit, the Board of Health and/or its duly appointed agents shall inspect the premises described in the application. If said premises conform to the

requirements of the Sanitary code of the Commonwealth of Massachusetts, Article II Minimum Standards of Fitness for Human Habitation and applicable local bylaws, if any, a change of occupancy permit shall be issued by the Board of Health

G. The Board of Health and/or the Building Inspector may revoke, after a hearing, any occupancy permit. Notice of a hearing on a proposed revocation shall be mailed to the record owner of the premises at his last known address, at least seven (7) days prior to the hearing.

H. Whenever an emergency exists in which the interests of protecting the public health requires that the ordinary procedures be dispensed with, the Board of Health may, without notice or hearing, issue an order, citing the existence of the emergency and requiring that such action be taken as the board of Health deems necessary, to meet the emergency. Upon compliance with the order, and within seven (7) days after the day the order was served, the owner may file a written petition in the office of the Board of Health, requesting a hearing.

I. The time limits specified regarding the hearing may be modified by mutual agreement of the Board of Health and the owner.

## B. Accessory Use

### **Section 31 - Single-Family Residence Districts A, B, and C.**

31-1. Permitted uses for Single-Family Residence Districts A, B, and C.

- a. Detached single-family dwellings.
- b. Religious, educational or municipal uses.
- c. Renting of sleeping rooms for not more than three (3) persons in a dwelling regularly occupied by the owner for residential purposes.
- d. Accessory uses customarily incidental to a permitted main use on the same premises, including the use of a room or rooms for customary home occupations conducted by resident occupants, and involving no change in the customary external appearance of the premises or other visible evidence of the conduct of such home occupation other than one announcement sign as provided in Paragraph 70-2.a, and provided that

(a) such office or studio is open to clients by appointment only, (b) no more than two (2) other persons are regularly employed on the premises in connection with such use (c) material, equipment, or products shall not be visible from the street, and (d) the sale of any articles is limited to those produced on the premises and related to the permitted home occupation. Said customary home occupations include, but are not limited to the following: Professional office or studio of a resident physician, dentist, attorney, architect, contractor, **short term rental uses subject to \_\_\_\_\_ [refer to other section of law or limitations and conditions]**, accountant, artist, engineer, real-estate or insurance broker, art dealer, interior decorator, appraiser, or member of another recognized profession.

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### C. Special Permit-

#### Section 46 - BED AND BREAKFAST- SHORT TERM RENTALS

##### 46-1. Special Permit.

Provided that each of the following conditions and requirements are met, the Board of Appeals may issue a special permit for a bed and breakfast-short term rental home to be conducted in a detached single-family dwelling unit in the following districts: Single Family Residence District A, Single Family Residence District B, Single Family Residence District C, Multi-Family Residence District A, Multi-Family Residence District B, Business District, Commercial Recreation District.

##### 46-2. General Conditions and Requirements.

- a. No bed and breakfast-short term rental home, new or pre -existing , shall be operated without first being granted a special permit from the Board of Appeals and a certificate of occupancy from the Building Commissioner and the Board of Health. Each bed and breakfast-short term rental home in existence on the effective date of this provision is not a non-conforming use, is in violation of the zoning by-law, and is not entitled to remain in operation without the issuance of a special permit and a certificate of occupancy.
- b. A bed and breakfast-short term rental home is an accessory use and the primary use of the dwelling unit shall remain as a single-family residence.
- c. Within each detached single-family dwelling unit issued a special permit and a certificate of occupancy for a bed and breakfast-short term rental home there may be a maximum of three (3) bedrooms which are rented as bed and breakfast units. As an accessory use, the bed and breakfast-short term rental home shall not occupy more than 45 per cent of the gross floor area of the dwelling unit.
- d. The special permit for a bed and breakfast-short term rental home shall be issued for an initial period of two (2) years in operation. Thereafter

the special permit shall be issued for a maximum of five (5) years. The special permit shall be issued only to the owner of the property and shall not be transferable. Any changes in ownership of the property shall require a new special permit. The special permit may be revoked if any of the conditions and/or requirements of this section are violated, as determined by the Building Commissioner and/or the Board of Health. An aggrieved party may take an appeal to the Board of Appeals.

- e. A certificate of occupancy is required prior to the commencement of the bed and breakfast-short term rental home operation and shall state the maximum allowable occupancy of same, which shall be determined by the Board of Health on a case-by-case basis.
- f. Food for a fee may be served only to overnight guests. In some instances, the State Sanitary Code requires that a residential kitchen permit be obtained from the Board of Health.
  - (i) Bed and breakfast-short term rental homes serving continental breakfast only are not considered food establishments and need not obtain a food establishment permit. For the purpose of this section, continental breakfast is defined as: beverages; fresh, frozen, and commercially processed fruits; baked goods; cereals; homemade or commercial jams, jellies, honey, and maple syrup; cream; butter; and commercially manufactured hard cheeses, cream cheese, and yogurt.
  - (ii) Bed and breakfast-short term rental homes serving full breakfast shall obtain a residential kitchen permit from the Board of Health.
- g. Signage shall be limited to one attached wall or window sign, not to exceed three square feet, mounted on the building and one ground sign, single- or double-faced, permanently anchored five feet or less above grade, as approved by the Building Commissioner, not to exceed three square feet per face, not to be internally illuminated, not located so as to obstruct traffic visibility across street corners, and located no closer than five feet to any lot line.
- h. The architectural character of the dwelling shall be maintained as a single family home.

**46-3.** The dwelling unit containing the bed and breakfast-short term rental home shall be designed so that the exterior appearance of the structure remains that of a single-family dwelling. Alterations, revisions, or additions to the structure are permitted provided the architectural character of a one-family dwelling is maintained and all other requirements of this by-law are met. The Design Review Board shall review exterior changes.

**46-4.** Procedures - Each application for a special permit shall be accompanied by:

- a. A site plan showing all existing and proposed structures and appurtenances, any changes to existing grade, and all boundary/property lines and easements. The Building Commissioner may require a certified plan.
- b. A floor plan, drawn to scale, of the dwelling showing each of the bed and breakfast units and the access to, and egress from, each such

unit, and each unit's relationship to an adequate bathroom. The area(s) where breakfast is to be prepared and served shall be designated.

- c. An off-street parking plan showing that one off-street parking space per bed and breakfast unit shall be provided on the site, or that adequate off-street parking can be provided without causing undue burden to the neighborhood. Off-street parking shall be prohibited from the prescribed building front setback area and restricted to the sides and rear of the premises.
- d. A written statement from the town Treasurer/Collector stating that all municipal encumbrances are current or under proper agreement
- e. A presentation of all proposed exterior structural changes sufficient to show that the architectural character of the dwelling is maintained as a single family home.

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