SENATE BILL 458

AN ACT relative to municipal regulation of vacation or short-term rentals.

SPONSORS: Sen. Bradley, Dist 3; Sen. French, Dist 7; Sen. D’Allesandro, Dist 20

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill:

I. Prohibits certain legislative bodies from prohibiting short-term rentals.

II. Permits municipalities to make bylaws regulating disorderly houses.

III. Establishes requirements for bylaws regulating disorderly houses.

Explanation: Matter added to current law appears in **bold italics.**
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to municipal regulation of vacation or short-term rentals.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraph; Zoning Ordinance; Grant of Power. Amend RSA 674:16 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any other provision of this statute, the local legislative body of a city, town or county in which there are located unincorporated towns or unorganized places, shall not prohibit the use of a building or structure as a vacation rental or short-term rental and shall not regulate the use of such structure or building as a vacation or short-term rental based on the structure or building’s classification, use or occupancy. “Vacation rental” or “short-term rental” means any single-family building or structure or one-to-four-family building or structure, regardless of how it is owned or occupied and regardless of whether the building or structure is conforming or non-conforming, offered in whole or in part for rental or transient use. “Vacation rental” or “short-term rental” shall not mean and shall not include any nonresidential use, including, but not limited to, retail, restaurant, banquet, event hosting or other similar nonresidential uses.

2 New Section; Powers of Towns; Ordinances; Short-term Rentals. Amend RSA 31 by inserting after section 103-a the following new section:

31:103-b Short-term Rentals.

I. A municipality may establish an ordinance requiring an owner of residential property who wishes to utilize the property for a vacation rental or short-term rental, as those terms are defined in RSA 674:16, VI, to file, within 30 days of advertising such rental, a statement with the town or city clerk of the municipality in which the property is located providing the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner relating to the rental property. Such person may be the owner of the property. A municipality may establish a fee of no more than $50 to cover the cost to the town or city clerk of maintaining a record of the filings. No municipality shall make the registration of such a rental contingent upon an inspection of the property, unless there is reasonable suspicion that the property is in violation of any provisions of RSA 48-A:14. The municipality may obtain an administrative inspection warrant under RSA 595-B if the property owner denies the municipal official entry. A municipality may not charge a fee or registration for any other purpose. A municipality may only rescind a registration if the property has more than 3 disorderly events under RSA 31:39. Such property may be barred from being used as a short-term rental for no more than 3 months.
II. A municipality may establish an ordinance to require the owner of residential property who wishes to utilize the property for a vacation rental or short-term rental, as those terms are defined in RSA 674:16, VI, to post in a clearly visible location or provide directly to each individual renting the property, written information related to proper exit information in case of a fire.

3 Fire Safety Measures. Amend RSA 153:14, II(a) to read as follows:

II.(a) The state fire marshal, the state fire marshal's authorized officers, or fire chief upon complaint or whenever the state fire marshal, such authorized officers, or fire chief shall deem it necessary, may inspect all buildings, excluding single family dwellings and multi-unit dwellings containing 2 units, and premises within their jurisdiction and, if consent for such inspection is denied or unobtainable, may obtain an administrative inspection warrant under RSA 595-B. Such exclusion shall not apply to that part of any single family or multi-unit dwelling that is used as a vacation rental or short-term rental as those terms are defined in RSA 674:16, VI. Inspections of rentals may only be made to items defined in RSA 153:10-a, I, smoke and carbon monoxide detectors, and inspections shall not be made for any other reasons. No official conducting such an inspection may utilize information gathered in an inspection of a single-family residence or multi-unit dwelling not related to adequate smoke and carbon monoxide detectors to impose a fine, violation, or other penalty, including a cease and desist order. Whenever any of the said officers shall find any condition that such officer deems to be hazardous to life or property, the officer shall order the hazardous condition to be removed or remedied by written order. If such order requires a structural change or alteration, it shall be approved by the state fire marshal or fire chief before it is effective. Such order shall be complied with by the owner of such premises or buildings within the time limit specified in such order, provided, however, that any such owner, who is aggrieved by any such order, may, within 14 days after the service of such order as hereinafter provided, file a petition with the superior court, praying for a review of such order. It shall be the duty of such court to hear the same at the first convenient day, and to make such order in the premises as right and justice may require.

4 New Subparagraph. Amend RSA 31:39, I by inserting after subparagraph (p) the following new subparagraph:

(q) Regulating disorderly houses, provided that, in any such bylaw:

(1) Multiple calls to a single building that occur within a 12-hour period shall be deemed a single disorderly event. Whenever the police department responds to a disorderly event, the owner shall be notified as follows:

(A) No later than 5 calendar days after the first disorderly event, the police department may deliver by hand or first class mail a copy of the bylaw and a notice advising the owner that the police department has responded to a disorderly event.

(B) No later than 5 calendar days after the second disorderly event, the police department may deliver by hand or first class mail a copy of the bylaw and a notice advising the
owner that the police department has responded to a second disorderly event. The owner of the
disorderly house may be subject to a fine of up to $500. The owner or his or her representative,
designated in writing, shall meet with the chief of police, or designee, within 10 days of the date of
the written notification, or at such other time as agreed by the chief of police, to identify ways to
prevent future disorderly events. If this meeting occurs within the agreed time period, the fine shall
be waived.

(C) No later than 5 calendar days after the third disorderly event, the police
department may deliver by hand or first class mail a notice advising the owner that the police
department has responded to a third disorderly event. The owner of the disorderly house may be
subject to a fine of up to $1,000.

(2) This section shall not apply if the occupant creating the disorderly event is a
tenant as defined in RSA 540:1-a.

(3) In this subparagraph, "disorderly houses" mean houses in which the activity of a
building's owner, occupants, or tenants, or the invitees of an owner, tenant or occupant violates an
existing municipal ordinance.

5 Effective Date. This act shall take effect January 1, 2021.