



EAST LYME AD HOC SHORT-TERM RENTAL COMMITTEE

STATUS REPORT TO THE BOARD OF SELECTMEN

APRIL 2024

COMMITTEE MEMBERS

Dan Beachy
John Cellino
Gary Cicchiello, Co-Chair
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EAST LYME AD HOC SHORT-TERM RENTAL COMMITTEE

STATUS REPORT TO THE BOARD OF SELECTMEN (APRIL 2024)

SECTION 1—COMMITTEE CHARGE AND WORK TO DATE

The East Lyme Board of Selectmen voted at its meeting of August 2, 2023 to create an advisory Ad Hoc Short-Term Rental Committee to investigate issues concerning short-term rentals in East Lyme and to report its findings and recommendations to the Board. The preamble of the Selectmen’s charge states that the Board *“wishes...to determine whether and to what extent short-term rentals may be regulated...in East Lyme...and any other related issues.”* The Committee consists of 8 resident electors appointed by the Board and includes representation from 5 of our beach communities, Flanders Village, our Zoning Commission, and Selectmen (ex-officio).

The webpage established by the Committee documents its charge and work to date. See <https://eltownhall.com/government/boards-commissions/ad-hoc-short-term-rental-committee/>. From its first meeting held on August 14, 2023 to the present, the Committee has gathered and discussed considerable information relevant to the subject of short-term rentals in our Town. We have assessed public opinion through 2 Public Hearings, public delegations at all of our meetings, and emails. The Committee has reviewed the Town’s zoning regulations, the zoning regulations and bylaws of our beach communities, as well as applicable provisions of Town ordinances, Connecticut state law, and practices of our Assessor’s office. The Committee has also had the benefit of not only collaborating with Town Attorney Zamarka, but also conferring with our Department Heads—Zoning Officer Mulholland, Police Chief Finkelstein, Fire Marshal Bundy, and Building Official Garside—to determine their concerns and thoughts. We have read academic articles and newspaper accounts and viewed webinars on regulating short-term rentals, focusing where possible on approaches taken by neighboring municipalities or other municipalities in the state. Very importantly, the Committee also has kept current with the Connecticut court case, Wihbey v. Zoning Board of Appeals of the Pine Orchard Association, that concerns the regulation of short-term rentals and is now pending before the Connecticut Supreme Court.

The Committee has identified a number of issues, legal and otherwise, concerning short-term rentals in Town. To help address these issues, we established a number of policy goals and then considered areas of possible regulation. As the state Supreme Court’s decision in Wihbey will likely impact to some extent how municipalities may regulate short-term rentals, the Committee and Attorney Zamarka agree that it is prudent to wait until the Court renders its decision before making final recommendations to the Board of Selectmen. In the meantime, this Status Report will primarily highlight information gathered as well as issues and concerns to address. It will also include some key thoughts and conclusions the Committee has so far formulated.

SECTION 2—OVERVIEW OF SHORT-TERM RENTALS

A. Definition

Although there are varying definitions of “short-term rental”, it is generally accepted that the term refers to the occupancy, for a fee, of a furnished residential unit for thirty days or less. Short-term rentals are typically advertised on internet platforms such as Airbnb or VRBO, but they may also operate by word of mouth. They may be owner occupied or not. They are related to, but clearly distinguished from, traditional forms of travel accommodation such as that provided by hotels, motels, inns, and bed and breakfast establishments.

In its discussions, the Committee has most often used the definition outlined above. It is consistent with the definition set forth in our state statutes that a short-term rental “*means the transfer for a consideration of the occupancy in a furnished residence or similar accommodation for a period of thirty consecutive calendar days or less.*” (C.G.S. Sec. 12-408h(a)(1)). This definition is used by the state in its requirement that short-term rental facilitators such as Airbnb collect and remit room occupancy taxes at the rate of 15%. It should be noted that this tax does not apply to rentals of 90 days or more, or to rental occupancy greater than 30 but less than 90 days. (SN 2019(9), link provided in Section 12 below).

Nevertheless, as detailed in the Sections that follow, the Committee is also aware that certain of our beach communities and other municipalities have expressed a differing view from that which is generally accepted concerning the length of stay for a short-term rental, and further, that the Connecticut Supreme Court’s decision in the Wihbey case will likely address time restrictions as to the rentals of residential property.

B. Market and Related Trends

Researchers and observers agree that the short-term rental market has grown very rapidly in the past several years within our state, nationally, and globally. Data from Granicus, a company specializing in online government services, for example, highlights this development. At its January 30, 2024 webinar, “Short-Term Rentals and Local Government”, the point was emphasized that the short-term rental market is growing faster than the regular housing market. There are 15 times the number of short-term rental listings since 2011 and there are now hundreds of different platforms on the internet that list them. It is expected that in 2024 smaller communities will continue to see greater growth in their short-term rental markets compared to large urban areas. This is attributed to the implementation of limiting regulatory programs in cities such as New York and Washington, D. C. and to the trend that travelers are increasingly choosing to visit less well-known destinations. The webinar may be viewed at <https://granicus.wistia.com/medias/6g2osnfkso>.

Follow-up data provided by Granicus directly to the Committee also pointed out a particularly troubling statistic—that less than 10% of short-term rental owners voluntarily get registered (where a registration program exists) and pay all of their taxes. See Appendix attached. This is

worrisome for any regulatory program and its enforcement. It may be helpful then, to determine, if possible, the actual compliance experience of local municipalities whose short-term rental regulations the Committee has reviewed and that East Lyme may wish to model.

C. Benefits and Burdens Generally Identified

Although each community's experience with short-term rentals is unique, there are pluses and minuses that all municipalities and their residents are likely to face as a result of the operation of short-term rentals. Researchers and observers are in agreement as to these differing consequences which will be summarized here. The public opinion in East Lyme concurs, as is discussed in Section 5 below.

Researchers and observers state that on the positive side, property owners who host short-term renters benefit from rental income. This income can supplement other income, help pay the mortgage and property taxes for the property, or help maintain or improve the property. The local economy also benefits when short-term renters patronize shops, restaurants, theaters, etc., particularly if traditional lodging options are otherwise limited or more personalized lodging is preferred. A municipality's expected revenue is maintained if property taxes are readily paid. Cities and towns can additionally benefit financially from collecting personal property taxes for short-term rental operations, as well as permit and other fees as part of a regulatory program. Further, the state stands to gain from the collection of income taxes and room occupancy taxes from owners of short-term rentals.

However, according to researchers and observers, these expected financial benefits must be weighed against common significant negative consequences. Of particular concern is the change in the nature of residential neighborhoods where short-term rentals operate, essentially as businesses. Unlike permanent residents, short-term renters are transient and usually are not connected to the community, and their host owners, especially if they are absent or are corporate owners, may be most concerned with profiting from their rentals. The understanding of having permanent neighbors and building and experiencing a residential neighborhood community, especially if the neighborhood is zoned residential, is altered. This change may be made worse by excessive noise and traffic, as well as parking and trash problems—all health or safety issues that have been associated with short-term rental operations.

Also identified are serious potential safety concerns that short-term rentals may present. In the absence of building and fire code inspections such as those required for hotels and other traditional lodging structures, renters and neighboring residents may be at greater risk of injury or worse from fire or building failure. These risks are increased where the number of guests in rentals exceeds occupancy limits—a problem short-term rentals can often present.

Another serious negative consequence of short-term rental operations discussed in the literature is the effect on local housing stock. As these rentals increase in number, there is a corresponding decrease in housing units available for permanent residents. This reduction in

housing stock, coupled with often high rental costs of short-term units, can also adversely affect the affordability of homes within a community.

D. Assessment of East Lyme's Market

In the fall of 2023, Committee Member Greg McIntire determined from a search of the internet that there were approximately 200 short-term rental listings in East Lyme. In early February 2024, Granicus provided our Committee with a complimentary assessment of the Town's market. It is consistent with Mr. McIntire's findings, adjusting for expected seasonal demand.

Granicus identified 171 internet listings on a number of platforms that represent 123 unique rental units. There are listings in Flanders as well as Niantic, with a concentration in the beach communities. If the search is expanded just beyond our borders, there are 182 listings. 92% of the listings are for single-family rather than multi-family homes, and 97% of the listings offer entire, not partial homes. The median nightly rate for a short-term rental in Town is \$254. Importantly, the number of rentals has grown 15% over the last year. See [Appendix](#) attached.

It is helpful to keep in mind that tourism and vacation rentals of residential property at our beaches have been a feature of East Lyme for many years and have served as a basis for the Town's development. As in other Connecticut shoreline communities, these rentals were traditionally made available on a limited basis to supplement homeowners' incomes and were rented primarily by residents from the state's inland cities and towns. Facilitated by consumers' increasing use of the internet, short-term rentals have now become a significant part of the travel and lodging market everywhere. It is clear from the current data at least that short-term rentals advertised on various internet platforms are operating and increasing in number throughout our Town.

SECTION 3—EXISTING LEGAL FRAMEWORK FOR EAST LYME

Generally speaking, the legal framework that currently exists for our Town relevant to the operation of short-term rentals is limited and somewhat complex. This framework consists of zoning regulations of the Town as well as the zoning regulations of 3 of our beach communities. It also includes Town ordinances, in particular, those concerning noise and parking. As the state of Connecticut has not yet enacted legislation concerning short-term rentals other than requiring income and room occupancy taxes, it remains the responsibility of the Town, and possibly the beach communities with their own zoning regulations, to address issues these rentals present.

It should be noted briefly here, however, that 3 bills concerning short-term rentals have been introduced in the current legislative session. House Bill 5186 seeks to have the state share the room occupancy taxes it collects on short-term rentals with the municipalities in which they are located. Senate Bill 335 is aimed at authorizing municipalities to adopt ordinances to address short-term rentals. Senate Bill 267 proposes that the state conduct a study of the effects of

short-term rentals on its housing market. The Committee plans to follow the progress of these bills and report on their outcomes when making its final recommendations to the Board of Selectmen.

A. Zoning Regulations

East Lyme's zoning regulations do not specifically permit short-term rentals in any zone and the term is not defined in our code of regulations. As is common, our zoning regulations are written in a permissive manner. It is generally and historically understood that a use not expressly permitted in such zoning regulations is not an allowed use. One can therefore conclude that short-term rentals are not allowed under the Town's zoning law. This point has been highlighted by both our Zoning Officer, Mr. Mulholland, and our Town Attorney, Mr. Zamarka. As currently written, our Town zoning code could support a ban of short-term rentals if such a policy were desired. Conversely, our zoning regulations may be amended to allow short-term rentals in order to reflect this developing use and to restrict it as necessary.

Our zoning regulations do specifically permit types of traditional lodging. These are bed and breakfast establishments, inns, hotels, and motels and are defined in Sections 1.7, 1.36, 1.33, and 1.50-1, respectively, of the code. Depending on the type of establishment, they may require special permitting, site plan approval, and may be allowed only in certain zoning districts. Of particular interest to our Committee has been our regulation of bed and breakfast operations, as they may share certain features with short-term rentals. A bed and breakfast is defined as a *"private house in which a portion of the building is maintained and held out to the public as transient overnight accommodations containing...a maximum of (7) units, ...and which provides meals only for registered overnight paying guests."* These establishments are allowed in all zoning districts by special permit. Section 25.5 of the regulations sets forth the requirements for a bed and breakfast permit, most notably, that the owner or a designated manager must reside on the premises and that guests may stay no more than 7 nights. There are additional requirements to note, such as those for minimum lot size, landscaping, and parking. If the Town chose to adopt zoning regulations to allow and address short-term rentals, it could consider amending the regulation of bed and breakfast operations as a starting point, an approach taken by some other Connecticut municipalities outlined in Section 10 below.

Amendments to our zoning regulations to account for short-term rentals would apply throughout the Town, with the important exception of 3 beach communities—Black Point Beach Club Association, Crescent Beach Association, and Giants Neck Beach Association—Special Act communities that are governed by their own zoning regulations. The remaining beach communities—Giants Neck Heights Association, Oak Grove Beach Association, Pine Grove, Oswegatchie Hills Club, and Old Black Point Association are governed by the Town's zoning law.

It is important to note that Black Point Beach Club Association, through its zoning, specifically allows short-term rentals of 7 days or more in both its business and residential districts. (Sec. VI). They are defined as *"the use of a dwelling unit, or portion thereof, ...offered or provided to a transient guest...by (an) owner or operator for a fee. Commonly referred to as vacation rentals."*

(Sec. IV). Hotels, motels, and boarding houses are not allowed. (Sec. VII). The zoning regulations of Crescent Beach Association and Giants Neck Beach Association do not mention short-term rentals.

B. Ordinances

As discussed in Section 2C, noise and parking issues have been generally associated with short-term rentals. In East Lyme, through public comments received by the Committee and detailed in Section 5, noise and parking have been identified by some Town residents as concerns that have diminished the quality of life in their neighborhoods. Importantly, there are existing laws that directly address noise and parking problems that can be applied Town-wide, whether or not the Town and our beach communities with their own zoning laws adopt specific short-term rental regulations.

(1) East Lyme’s Noise Control Ordinance (Exhibit 1)

The Town’s Noise Control ordinance, set forth in Chapter 90 of our ordinances, was adopted pursuant to Chapter 442, Noise Pollution Control, of our state statutes and is subject to applicable regulations of the Department of Energy and Environmental Protection (DEEP). The purpose of the ordinance is clearly expressed in Section 90.01: *“...to protect...the public health, safety, convenience, general welfare, peace, quality of life and property values for the citizens of the town, and to facilitate the enjoyment of natural resources and tranquility of the town, through the reduction, control and prevention of excessive noise and vibration.”*

The ordinance establishes acceptable noise levels for premises in residential and non-residential zones and for day as well as night hours, measured in decibels adjusted for human hearing (dBA). A sound level meter must be used to measure the noise. Minimal operational specifications for the meter are ANSI S1.4 1971 (Type S2A). Exclusions and exemptions, as well as variances are allowed. For example, the siren of an emergency vehicle used in an emergency situation is excluded. Similarly, noise emitted from snow removal equipment is exempt.

Under the ordinance, the East Lyme Police Department is responsible for investigating, measuring, and documenting violations. Officers are authorized to issue tickets for violations in the amount of \$90 per violation of any provision of the ordinance. Notably, the provisions of the ordinance are in addition to any other remedies available to the Town, such as those under state statutes, and including injunctive relief for continuing or repeated violations.

East Lyme Police Chief Finkelstein has informed the Committee that the noise ordinance is currently not enforceable because the Department does not have a sound level meter to measure noise. A meter that conforms to required standards noted above, as well as training of Officers in measurement procedures set forth in the ordinance and required in DEEP’s regulations would be needed and budgeted for. Chief Finkelstein has suggested that a *“reasonableness”* standard be considered for the ordinance to streamline enforcement. This is a standard used, for example, under our state statute for disorderly conduct (C.G.S. Section 53a-

182) or creating a public disturbance (C.G.S. Section 53a-181a) which are other remedies that the Department may use when responding to a noise complaint.

Under Section 22a-73c of our state statutes, our noise ordinance *“shall be at least as stringent as any state noise control plan...or any (EPA) standards (adopted) pursuant to the (federal) Noise Control Act of 1972.”* The question remains whether the ordinance can be amended to reflect a *“reasonableness”* standard. If not, then residents and the Town can benefit from the ordinance, and its likely deterrent effect, only if a compliant sound level meter and training are obtained.

(2) East Lyme’s Parking Ordinance (Exhibit 2)

The Town’s Parking Ordinance, set forth in Chapter 72 of our ordinances, establishes general parking restrictions as well as parking restrictions for commercial vehicles in residential zones. The restrictions apply to *“highways”* and *“municipal lots”*. Under Section 72.02(A)(3), a *“highway”* includes *“any state or public highway, road, avenue, street, alley, driveway, parkway or thoroughfare under the jurisdiction of the town”*, and a *“municipal lot”* is *“any area under the jurisdiction of the town that is dedicated and posted for the parking of motor vehicles.”*

General parking restrictions delineated in Section 72.02(A) for highways as defined include no parking within 10 feet of a fire hydrant; on a public sidewalk; in a manner that interferes with ingress or egress from a private driveway (without the owner’s permission); within 25 feet of an intersection, marked crosswalk, or stop sign; in a manner that obstructs the flow of traffic; or in violation of a sign posted by the town or state.

Officers of the Town’s Police Department, or designated representatives, are authorized to enforce the Parking Ordinance. A violation of Section 72.02, for example, will result in a \$50 fine which is doubled if not paid within 14 calendar days. A commercial vehicle illegally parked in a residential zone is a violation of Section 72.01 and results in a fine of not more than \$99. Further, any vehicle parked that impedes traffic or obstructs snow removal may be towed at the owner’s expense.

According to Chief Finkelstein, most individuals pay their fines or contact the Police Department. He pointed out, however, that at this time there is no collection of unpaid fines as there are not enough tickets issued to pay for collection services. He also noted that currently, most parking violations occur on Main Street and by the Oswegatchie Hills parking area.

As concerns the beach communities in Town and parking issues that may arise from short-term rentals or otherwise, Chief Finkelstein highlighted to the Committee that our Police Commission is authorized under state law and by our Town’s Police Commission ordinance to regulate traffic, including parking signage, within Town. He emphasized that the East Lyme Police cannot enforce parking signage in neighborhoods unless it is approved by the Police Commission and it restricts parking on *“highways”* as defined above. A number of our beach communities have detailed parking permitting and restrictions. Nevertheless, like any other neighborhood in

Town, they may benefit from bringing to the Police Commission's attention certain parking issues that could be addressed by Town signage and Police enforcement.

C. Private Deed Restrictions and Bylaws

In determining the legal framework for short-term rentals in Town it is important to consider private deed restrictions (also known as restrictive covenants), as well as homeowner's association bylaws that may limit or even ban short-term rentals. As Attorney Zamarka explained to the Committee, these are agreements restricting land use among parties to the restrictions or association members that have their own force and effect, separate from municipal zoning and ordinances. Any such restrictions may be enforced only by parties to the deed restriction, or in the case of bylaws, by the association. Even if the Town were to adopt regulations allowing and restricting short-term rentals, a deed restriction or homeowner's association bylaw, for example, prohibiting residences from being used for commercial purposes might nevertheless be enforced privately to prevent short-term rentals within its purview.

It should be pointed out that unlike homeowner's association bylaws such as those adopted pursuant to Connecticut's Common Interest Ownership Act, beach association bylaws that recognize and restrict short-term rentals may not remain applicable should the Town adopt regulations for these operations. For example, through its bylaws, Oak Grove Beach Association establishes some restrictions on rentals, although they are essentially permissive in nature. Section VII of the bylaws "*recommends all rentals be a minimum of (7) consecutive nights*", with limited exceptions for weddings, graduations, etc. that require approval of the association's Board of Directors. According to Attorney Zamarka, these bylaws would be superseded by a Town ordinance and/or zoning regulations governing short-term rentals. As the Committee formulates its final recommendations following the ruling in Wihbey, it will be helpful to provide a fuller discussion as to the authority, if any, of our beach communities without their own zoning to regulate short-term rentals.

SECTION 4—WIHBEY AND UNRESOLVED LEGAL ISSUES

As mentioned in Section 1. above, the Wihbey case is now pending before the Connecticut Supreme Court. The case, which concerns the zoning regulations of short-term rentals in a Special Act beach community in Branford, was argued before the Court on March 27, and it is expected that a decision will be made sometime this summer. As noted earlier, the Committee plans to finalize its recommendations to the Board of Selectmen following the Court's decision. A summary of the facts of the case, the lower court rulings, and the question now before the Court is provided by Supreme Court staff and may be read in Exhibit 3.

The Appellate Court's decision from which the appeal to the state Supreme Court is being taken presents challenges to the regulation of short-term rentals. The Appellate Court affirmed the trial court's ruling and found in favor of Mr. Wihbey as the owner of a short-term rental for investment purposes and not his primary residence. Mr. Wihbey argued that renting his

property on a short-term basis (3-7 days) is a legal pre-existing use under the 1994 Pine Orchard zoning regulations, which regulations were subsequently amended in 2018 to expressly prohibit short-term rentals. The Appellate Court determined that it could not impose restrictions without clear language in the 1994 regulations restricting the rental of one's property as a permissible use. The Court pointed out that the regulations did not explicitly impose a time requirement (i.e., such as less than thirty days). Relying on the permitted use of rental signs as well as seemingly expansive definitions of "single-family dwelling", "home", and "residence", and other terms, the Court concluded that under the 1994 regulations, transient guests of property rentals may be considered "residents" and that time restrictions for rentals cannot be implied, making Mr. Wihbey's use legally permissible.

It remains to be seen if the Appellate Court's decision will be affirmed or reversed by our Supreme Court and for what reasons. It would be helpful if the Court would directly address the commercial as compared to residential nature of the use of property by short-term owners, an issue that short-term rentals present as discussed earlier in Section 2C. Indeed, as described in Section 5, this is also a central concern expressed by some residents in our own Town. Whatever is decided, it is likely to impact to some extent the validity of short-term rental regulation adopted by municipalities and communities within the state. Of particular importance will be the Court's opinion on time restrictions of rentals as well as its analysis in determining the legality of a pre-existing non-conforming use such as Mr. Wihbey's. The application of the Court's opinion to these and other topics, however, ultimately may be limited by the facts of the case, including perhaps the unique scope and language of the Pine Orchard regulations under review.

SECTION 5—PUBLIC OPINION IN TOWN TO DATE

The Committee has prioritized the gathering of public opinion on the topic of short-term rentals in East Lyme. We have completed 2 Public Hearings (9/25/23 and 1/29/24), included Public Delegations in our meetings, and invited the public to share its thoughts and information by email directed to our Co-Chairs. All of this data is available in our meeting minutes and/or meeting video recordings provided on the Committee's webpage, linked in Section 1 of this report.

As we have obtained considerable public opinion, it will be summarized here. The opinion is generally consistent with the benefits and burdens of short-term rentals agreed upon by researchers and observers and outlined in Section 2C. However, it is important to point out that we received more opinion from owners of short-term rentals and these included residents and non-residents of East Lyme. The Committee has discussed the opinion given and has considered counterpoints. Some of these counterpoints are provided in the summary.

A. The Public's Arguments in Favor of Short-Term Rentals (STRs)

1. STR income helps defray the high cost of owning property.

- Taxes, insurance, maintenance, and/or improvements can be paid. (Counterpoint: Long-term rentals may provide the same benefit.)
 - Owners who inherit property may be able to keep it in the family.
 - Investors buying expensive homes can afford them if they are rented as STRs. (Counterpoint: This contributes to a cycle of selling property for inflated prices and displacing permanent residents.)
2. Property owners have the right to do what they wish with their property and neither the Town nor neighbors can dictate their use. (Counterpoint: Consider the existence and role of zoning law that regulates land use for the benefit of all.)
 3. STRs benefit the Town in a number of ways.
 - Guests spend money in Town businesses.
 - Guests add diversity to the Town.
 - STRs promote tourism in Town.
 - Too much regulation of STRs will move tourist dollars to neighboring towns that are more friendly to such rentals.
 - STR income allows owners to improve their properties, thereby improving the aesthetics of neighborhoods.
 4. STRs benefit the state through the payment of room occupancy taxes.
 5. There is a long history of weekly and monthly rentals of beach property in East Lyme.
 6. Short-term renters are better for property owners than long-term renters.
 - STR guests are better than tenants.
 - A bad STR guest is gone in a few days while a long-term tenant must be evicted.
 7. STR guests are better than traditional neighbors.
 8. STRs provide a valuable service to travelers who are not tourists, such as those attending graduations, visiting ill relatives, etc.
 9. STRs do not add children to the schools, thereby saving the Town money and burdening taxpayers less.
 10. The Town should not have a voter referendum because voters are unformed; the Committee/Board of Selectmen should address the issue of STRs.

B. The Public's Arguments Against Short-Term Rentals

1. STRs generally adversely affect East Lyme
 - They make housing more expensive as properties used for short-term rentals sell for inflated prices, affecting the selling prices of all homes in the area where they are located.
 - They cause increases in real estate taxes for everyone as a further result of causing home prices to increase.
 - Absentee owners of STRs do not care about the community.
 - Non-resident investors care about their rental income/profits, not about the community.
 - The character of the Town changes to being more transient.
2. A short-term rental is a commercial use of a residential home.

- An STR is a hotel and should not be permitted in residential zones. (Counterpoint: Compare bed and breakfast requiring owner/manager present and allowed in all zones in Town.)
 - Residents relied on our zoning laws when they purchased their homes in residential zones.
 - There are probably no residents who have chosen where they live because their new home is next to a hotel.
 - There is nothing wrong with tourists, however, they should make their stay in areas designated for transient guests.
 - Residential areas are not designed and zoned for hotel use.
 - STR guests may be very nice people but they do not contribute to the fabric of neighborhoods or of the Town and they displace housing for residents who would connect with the community.
3. STRs decrease the quality of life for neighbors.
- STR owners have no control over their disrespectful guests and owners keeping deposits or giving a bad review of guests online is no consolation to neighbors who endure the bad behavior.
 - Neighbors of STR properties in Town specifically described their experience as including:
 - Increased noise
 - Party houses
 - Trash
 - Parking issues (too many cars; narrow streets)
 - Too many occupants in a short-term rental
 - STR guests who trespass
 - Dangerous water use, such as jet skis in swimming areas
 - Police involvement
 - STR guests who are rude
 - Change in character of their community
 - Absent owners who do not care about the community

SECTION 6—INFORMATION AND OPINION FROM BEACH COMMUNITY OFFICIALS

In addition to considerable public opinion obtained, the Committee has also gathered assessments of the short-term rental issue from officials in the beach communities. While they have expressed some similar concerns, these officials have described existing rules and issues unique to their communities. Importantly, their differing circumstances pertaining to short-term rentals highlights the challenge of adopting policy on the topic that effectively addresses a variety of needs and preferences.

As noted earlier, Crescent Beach Association and Giants Neck Beach Association, two of the 3 beach communities having their own zoning authority, do not address short-term rentals in

their regulations. According to its President, Terry Cohn, Crescent Beach is waiting to see what the Town decides before taking on the issue. He also expressed concern about having effective enforcement of whatever regulations are adopted. In contrast, Giants Neck Beach is about to begin the process of updating its zoning regulations (2004), perhaps addressing short-term rentals. Paul Formica, its President and a member of this Committee, pointed out that the update is needed, particularly as Giants Neck Beach is becoming more of a year-round residential community. Unlike Crescent Beach and Giants Neck Beach, Black Point Beach Club Association does expressly allow short-term rentals in its zoning regulations. Importantly, as discussed in Section 3A above, these are “*vacation rentals*” of 7 days or more. John Cellino, Chair of Black Point’s Board of Governors and a member of this Committee, has stated that before acting further on the matter, his community is waiting to see how the Town addresses short-term rentals, and that effective enforcement is needed for any regulations adopted.

For those beach communities in Town without their own zoning authority, there are differing approaches to addressing short-term rentals. For example, Giants Neck Heights Beach Association has established a set of guidelines for owners of short (and long) -term rentals to follow. See Exhibit 4. The guidelines set rules for parking, occupancy, and recommendations for “*neighborly behavior*”, but it’s unclear how or if the guidelines are enforced. Barbara Gilbert, President of this Association, has said that a registration system could help her community determine the number of short-term rentals operating there.

Interestingly, tenants and summer rentals are eligible for membership in Oswegatchie Hills Club pursuant to its bylaws (Section 2.4.4) and most long-term renters purchase their own memberships. Beginning this year, the Club has established fees for members who are owners of short-term rental properties. In addition to paying their own membership dues, these owners may pay either \$25 per week’s rental or \$200 for the year in order for their renters to use club facilities. Member fees and dues may be adjusted yearly. Members, including owners of short-term rental properties, must complete an annual membership form that can help track rentals. However, as Gary Farrugia, Chair of the Club’s Short-Term Rental Committee and a member of this Committee has pointed out, membership in the Club is voluntary and there is no enforcement in place to address abuses. According to Mr. Farrugia, although there have been few abuses to date, a number of members of this beach community have expressed their hope for Town regulations that provide enforcement.

Jim Weaver, President of Oak Grove Beach Community Association, stated that he does not like short-term rentals operating as commercial businesses in a residential zone illegally. He thinks that permitting and inspections can help the current situation in Oak Grove, along with finding a way to retain the feeling of community. As noted earlier, this beach community has expressed its preferences as concerns (short-term) rentals in its bylaws, in particular, that rentals be a minimum of 7 consecutive nights, with limited exceptions.

Pine Grove presents yet another set of circumstances and preferences. This beach community consists of 155 homes, very tightly spaced to each other. For this reason and in keeping with the Town’s zoning regulations as well as property owners’ deed restrictions, short-term rentals

are not allowed, according to Pine Grove President, Debbie Jett-Harris. Longer rentals of greater than 30 days, including yearly and academic rentals are permitted. Ms. Jett-Harris has stated that Pine Grove would like to see some kind of regulation of rentals but would also want to continue to make its own decisions about the topic. It is her opinion that Pine Grove has such authority to self-govern under its articles of incorporation.

SECTION 7—COMMITTEE GOALS

The Committee understands that in its role as an advisory body to the Board of Selectmen, it is important to first establish goals before determining any areas of potential regulation. Indeed, in articles and materials provided by Granicus, this has been a repeated recommendation as concerns the adoption of any short-term rental policy. At our meeting of November 23, 2023, the Committee discussed desired goals ahead of our deliberation about areas of potential regulation. These goals, along with areas of possible regulation, were shared with the public prior to our second Public Hearing held on January 29, 2024:

1. Public safety
2. Fairness
3. A second Public Hearing (completed 1/29/24)
4. Short-term owner responsibility
5. Regulations (if adopted) that are evenly applied, provide for enforcement, and require accountability for renters and owners
6. Clarity as to commercial vs. residential uses
7. Preservation of residential neighborhoods and of community
8. Awareness of the impact of short-term rentals on housing availability and price
9. Solutions compatible with existing zoning and other regulations
10. Consideration of the Wihbey case now before the Connecticut Supreme Court
11. Acknowledgement of the long history of short-term rentals in Town, although not permitted under existing zoning regulations
12. Recognition that residents, as compared to short-term owners and renters, have the most to lose
13. Balancing competing interests of owners, renters, and residents
14. Consideration of all options, including doing nothing, banning short-term rentals, or amending zoning regulations and/or adopting an ordinance

As the Committee moves closer to making final recommendations, it will need to review and reflect on these goals. Additionally, if the Town adopts regulations, it will be helpful to preface those regulations with a statement of purpose that embodies the goals outlined above.

SECTION 8—ADOPTION OF REGULATIONS

From a public policy perspective, regulations should address a need and have purpose. In addition to setting goals then, adopting regulations of short-term rentals in East Lyme also requires a prior analysis of actual as well as expected impacts of these operations on the Town and its residents. Taken together, information discussed earlier of the common pluses and minuses of short-term rentals, the experiences of our residents and short-term rental owners documented in public comment to the Committee, as well as the trend of increasing short-term rental units in Town could readily lead one to the conclusion that some amount of regulation is warranted. At the same time, it is very important to note that by adopting regulations of short-term rentals, the Town is thereby allowing, and to some extent, encouraging them. This conclusion is reached from discussions in other Sections herein concerning the limitations of our Town zoning regulations as well as the trend of decreasing short-term rental units in cities and communities with highly restrictive regulations or outright bans.

If the Town is considering a policy to specifically allow and regulate short-term rentals, it has much to weigh. It must first determine that expressly banning these rentals or relying on our current legal framework are not desirable approaches to addressing concerns presented. It would then need to decide where these rentals might be allowed, what might be regulated, the preferred legal methods of regulation, as well as how the regulations may be enforced and at what cost.

Many communities throughout the U.S. are choosing to limit the location of short-term rentals to certain zoning districts, such as business and commercial or mixed-use areas. This policy approach is taken to preserve residential zones and the quality of life expected there, reflecting the viewpoint that short-term rentals are essentially businesses, operating as mini-hotels. Locally, and of interest to East Lyme, the Town of Groton recently developed a detailed set of zoning regulations limiting the location of short-term rentals, among other restrictions and requirements. Groton's Planning and Zoning Commission had initially decided to wait for the decision in the Wihbey case before moving forward with the proposed regulations, but very recently decided to adopt the regulations in time for the tourist season. See Exhibits 5A and 5B.

In addition to location, there are a number of other restrictions and requirements that communities have imposed on short-term rentals, commonly referred to as "permitting". These often begin with registration and a fee requiring an owner's or designated agent's contact information, and further, that this individual be available 24/7 in the event of emergencies or complaints. Regulations usually restrict the type of dwelling unit that may be rented, occupancy (number of guests), and duration of stay. Use and noise restrictions, such as prohibiting events, parties, amplified music, or renting to unaccompanied minors are also typical. Sufficient on-site parking spaces are likely to be required. Fire/safety, health, and/or building inspections are addressed and may be mandatory or optional. Zoning site plan or special permit approvals may also be necessary.

The adoption of zoning regulations and/or ordinances are the methods available to municipalities seeking to impose regulations on short-term rentals. In our Town, ordinances are enacted by the Board of Selectmen. They apply Town-wide and allow for the imposition of fines for noncompliance. Zoning regulations in East Lyme are adopted by our Zoning Commission and apply throughout Town, except in the 3 beach communities noted previously.

Although we are not making final recommendations at this time, it should be pointed out that there is growing consensus within our Committee that a combination of zoning regulation and ordinance could be used to regulate short-term rentals if regulation is desired. A number of members agree that this combination is preferred because, among other reasons, it respects zoning and land use authority, including that of the 3 beach communities with their own zoning. These communities are able to adopt their own short-term rental regulations, as has Black Point Beach Club, and going forward, can choose to base them on what the Town decides to regulate. A Town-wide ordinance can complement zoning regulations of short-term rental operations by establishing a registration program and related requirements.

Enforcement of any regulations the Town adopts will be an ongoing and especially difficult challenge, considering the statistic provided earlier of less than 10% host compliance. Decisions must be made as to who can properly and readily enforce the regulations and what are the penalties and fines for noncompliance, as well as finding ways to encourage owner and renter responsibility. Just as important, a financial analysis should be made of the cost to the Town of implementing regulations. Fees collected and fines imposed should at least offset expenses related to staff and equipment. As previously pointed out, the enforcement experiences of other local municipalities may provide guidance for East Lyme.

SECTION 9—PROPERTY ASSESSMENT ISSUES

Short-term rental operations present concerns as to the proper assessment of both real and personal property for local tax purposes. Committee members have asked whether the real estate taxes paid by short-term rental properties in Town reflect assessed value attributed to producing rental income. Members have also asked whether short-term rental owners are paying personal property taxes on the furnishings used in their operations. Answers to these questions reveal the current difficulty of including short-term rentals in existing practices.

Connecticut General Statutes Section 12-63b establishes the methods of valuation for *“rental properties used primarily for the purpose of producing rental income.”* The statute excludes *“property used solely for residential purposes, containing not more than six dwelling units and in which the owner resides”*. Section 12-63c authorizes an assessor to require owners of rental property subject to Section 12-63b to annually file income and expense information. See [Exhibit 6](#). This information assists the Assessor in the appraisal of rental property using the capitalization of net income method, and is subject to 10% assessment penalties. See [Exhibit 7](#) that includes our Assessor’s letter and form directed to motels and hotels, for example.

One could conclude that at least those short-term rental properties that are not owner occupied and that are used primarily to produce rental income should be subject to these statutes in order to take into account the value in their rental use. This is not current practice in our Town or in other Connecticut municipalities, however. According to our Assessor, Diane Vitagliano, single family residences, including those that may be used for short-term rentals, are valued using a “*mass appraisal*” method that relies on market information, rather than an income method applied to commercial properties. She noted that for the 2023 Grand List, for example, 8,204 residential properties were assessed compared to 279 commercial properties.

Similarly, with a couple of exceptions, the Town is not being paid annual personal property taxes owed on the furnishings of short-term rentals. Local personal property subject to assessment is established in Section 12-41 of the General Statutes. See [Exhibit 8](#). A 25% assessment penalty applies. Interestingly, recognizing the commercial aspect of short-term rentals, our Town Assessor recently wrote to our Committee that if property owners rent their houses as short-term rentals, they are then “*engaged in business activity in Town and are required to file a personal property declaration with the Assessor’s Office*”. See [Exhibit 9](#). She pointed out that information from any short-term rental registration program should be provided to her office to properly add these properties to our tax roles.

If not addressed, these assessment and tax issues may allow unwanted economic consequences of short-term rentals. Short-term rental owners can avoid, without penalty, assessments and taxes required of other owners of rental property, including owners of traditional lodging establishments, and the Town may not be paid taxes owed. For the time being, a short-term rental registry might help with the payment of personal property taxes. Changes at the state level may be needed to address the real estate valuation of short-term rental properties, however, perhaps by amending the language of Section 12-63b of our statutes, or alternatively, by allowing municipalities to impose an occupancy tax on these operations.

SECTION 10--EXAMPLES FROM OTHER CONNECTICUT MUNICIPALITIES

Considering the competing interests at issue, [Wihbey](#) and legal complexities, as well as unique concerns of communities, it is no wonder that Connecticut municipalities are taking varied approaches in addressing short-term rentals. Southeastern Connecticut towns and other towns in the state differ considerably in what they have done so far on the topic. Nevertheless, there are commonalities and examples of approaches to ponder as East Lyme decides its course of action.

In the spring of 2023, the Southeastern Connecticut Council of Governments (SCCOG) conducted a simple survey of the 22 municipalities it represents, asking them if they allow short-term rentals and if they regulate them. The survey revealed that about half allow short-term rentals, but just a few regulate them, primarily through zoning. SCCOG also pointed out that just a few municipalities outside of southeastern Connecticut have adopted short-term rental regulations. These include Lyme, Simsbury, Hartford, and Greenwich. See [Exhibit 10](#).

The SCCOG survey has served our Committee as a baseline from which to investigate what specific actions, if any, municipalities locally and in the state are taking as concerns short-term rentals. We continue to read their regulations, follow newspaper accounts, and speak to local officials in these communities. See Exhibit 11, for example, containing the Committee's comparison of permit requirements.

Some communities, like our neighbor Waterford, are at the beginning of the process, having recently referred the question of regulating short-term rentals to a committee and continuing to conduct an online survey. Other municipalities, such as neighboring Montville, have had some official discussions but have decided not to adopt any specific short-term rental regulations, relying instead on existing zoning regulations for bed and breakfast establishments that include Airbnb type accommodations within the definition of bed and breakfast. According to a recent account, Montville has not received any complaints about short-term rentals. See Exhibit 12. At the other end of the spectrum of action, the small sea-side community of Noank located in the Town of Groton spent about two years considering and writing detailed zoning regulations for short-term rentals, only to decide in August of 2021 to enforce its existing prohibition of them. See Exhibits 13A and 13B. According to Noank's Attorney, John Casey, public opinion opposed to short-term rentals was impactful for the Zoning Commission. Attorney Casey and Noank's Zoning Officer Mulholland point out that rentals of 30 days or more are allowed, easing the enforcement of the short-term prohibition where there are conversions to longer term rentals. Enforcement has generally worked out well as a result of staff monitoring of short-term rental platforms, and if necessary, letter writing by Mr. Mulholland.

A more recent ban on short-term rentals has been adopted by the nearby town of Ledyard. In September of 2023, the Town amended its zoning regulations to include short-term rentals on its list of prohibited uses. Section 3.8D reads: "*Short-term rentals (STRs) are not permitted. The minimum term for the rental of a residential dwelling shall not be less than 31 days.*" This development comes after first establishing an ordinance in February of 2020, sunsetting the ordinance in February of 2022, and then replacing the ordinance with zoning regulations in January of 2022. The ordinance established a permitting system but short-term rental owners were not complying. According to the Juliet Hodge, Ledyard's Director of Land Use and Planning, remedies available in zoning through issuing cease and desist orders and imposing daily fines were preferable to revoking a permit allowed under the ordinance. See Exhibit 14. The minutes of the Ledyard Planning and Zoning Commission meeting of September 14, 2023 indicate the reasons for repealing the zoning regulations and banning short-term rentals. These include legal questions as to the requirement that owners occupy their rentals; the reduction in available housing for workers; little benefit to local businesses; and burdening neighbors with enforcement issues, especially on weekends.

Other municipalities have similarly demonstrated uncertainty in the process of regulating short-term rentals. As previously pointed out in Section 8, the Town of Groton paused its adoption of very detailed zoning regulations, pending the state Supreme Court's decision in Wihbey, then just recently approved them. At the same time, Groton's Town Council will wait for the Court's ruling before it adopts any complementary ordinance, such as one requiring short-term rentals

to be registered. The town of Preston also established this past December a six-month moratorium through June 30, 2024 on the permitting of short-term rentals. The primary reason for the moratorium is the unexpected influx of applications for these zoning permits. Other reasons expressed include concerns about negative impacts on the local housing market for residents and on neighborhoods experiencing transient use. Preston's plan is to use the time to better examine its short-term rental regulations and to do what is best for its residents. See [Exhibit 15](#).

Lyme, East Lyme's neighbor to the west, adopted its short-term rental zoning regulations in September of 2022. See [Exhibit 16](#). The regulations are limited and simple and so far, Lyme has not paused them, reversed course, or had serious second thoughts about them. The Town's bed and breakfast zoning regulations were amended to accommodate short-term rentals, defined as *"the rental of a family dwelling unit (FDU) or any part thereof, for no more than 30 consecutive days to no more than 6 guests, 12 guests with a special permit, on any day for overnight occupancy."* The rental must be the owner's primary residence and the owner (host) must be present on the property during the rental period. According to Zoning Enforcement Officer Ross Byrne, most short-term rental properties are small homes in remote areas. There are no beach properties registered as short-term rentals. Although Mr. Byrne suspects that several large estates are being rented for wedding receptions and accommodations without permits, it seems that enforcement is generally working well.

In contrast to most Connecticut municipalities the Committee has examined, the Town of Bozrah adopted an ordinance, not zoning regulations, to control short-term rentals. See [Exhibit 17](#). Enacted in 2021, the ordinance requires in Section 2 that the owner of a rental or the owner's designated representative be present *"at a time when (the property) is rented"*. Only one permit may be issued to an individual, partnership, or business entity at one time, regardless of the number of properties owned by the applicant in the Town. A Short-Term Rental Enforcement Official (the First Selectman or an employee appointed by the Board of Selectmen) administers and enforces the ordinance. Penalties for violations of the ordinance include revoking a permit and issuing fines. The ordinance establishes a term of occupancy of 21 days or less for short term rentals and does not include bed and breakfasts, hotels, or motels allowed under the Town's zoning regulations.

It is helpful to note here that unlike Bozrah, the Town of Stonington was unable to enact a proposed short-term rental ordinance as it was rejected at referendum by a vote of 694-342 in March of 2023. The Town had sought community engagement on the topic in 2022 after its Planning and Zoning Commission declined to regulate short-term rentals years earlier. Following a lengthy effort, the final version of the ordinance was substantially pared down, in part because of concerns of legal challenges to greater restrictions. The ordinance voted on essentially required short-term rental owners to register their rental property for a fee and provide their renters with information about noise, trash, and house rules. It did establish penalties, including fines and revocation of a permit, as well as a 24/7 hotline for reporting *"possible infractions of (a) short-term rental agreement or (the) ordinance"*. Opposition to the ordinance came from opposing sides. Those wanting to regulate short-term rentals found it did

not provide sufficient controls over key concerns, and those wanting to protect private property rights thought it targeted short-term rental owners and that the reporting process was too intrusive. See Exhibits 18A, 18B, and 18C.

The Town of Simsbury regulates short-term rentals using both an ordinance and zoning regulations. See Exhibits 19A,19B, and 19C. Under the zoning regulations, operation of a short-term rental requires a permit approved in accordance with the Town's ordinance. The zoning regulations allow short-term rentals in all residential, business, and industrial districts. No zoning permit is needed for rentals in residential districts, but site plans are required for rentals in business and industrial zones. Under the ordinance, there is no requirement that an owner occupy the rental during the rental period. Enforcement of the ordinance includes citations for violations, suspension or revocation of a permit, as well as fines. The ordinance was enacted in 2021 and there are just 2 permitted rentals in the Town. According to Joseph Hollis, Simsbury's Code Compliance Officer, no enforcement action has been needed for either property to date.

SECTION 11—THOUGHTS AND CONCLUSIONS

Addressing short-term rentals is a challenging issue for any municipality. It is especially so for East Lyme, given its many different beach communities and neighborhoods and considering the legal framework relevant to regulating short-term rentals here. The Committee has worked over the course of the last several months to help the Board of Selectmen eventually meet this policy challenge through a process of fact-finding, goal setting, and issue spotting, the results of which are summarized and provided in this status report.

As discussed, the Committee will wait for the state Supreme Court's decision in the Wihbey case before making any final recommendations to the Selectmen as concerns the adoption of specific regulation of short-term rentals in our Town. Similarly, we will provide a broader discussion, post-Wihbey, as to the implications of other policy options such as a ban or keeping current laws in effect without change. Through its research and considerable discussion to date, the Committee is tending towards the adoption of regulation, preferably by way of zoning and ordinance, as pointed out in Section 8 of this report. The Committee has discussed the matters to be addressed by such regulation and can finalize these after considering the Court's upcoming decision.

In the interim, the Committee does recommend that the Board of Selectmen begin to address some short-term rental concerns now, through the Town's existing noise and parking ordinances detailed in Section 3B. These ordinances apply Town-wide, can directly contain noise and parking issues associated with short-term rentals, and will remain unaffected by the final ruling in Wihbey.

The Committee also recommends at this time that the Selectmen share this report directly with the Town's Zoning Commission, as it has the authority to change or clarify our zoning regulations. This report can provide the Zoning Commission with an update on the issue of

short-term rentals generally and how the issue is presenting itself in East Lyme and surrounding communities.

The Committee looks forward to presenting its Status Report to the Board of Selectmen. We are also looking forward to finalizing our recommendations, as our members have been working together to recommend a short-term rental policy that balances a variety of competing interests and best meets the needs of the Town.

SECTION 12—SELECTED DOCUMENTS FOR INFORMATION ABOUT SHORT-TERM RENTALS

Short-term rentals have been a lodging option for some time and there are many reports and articles written about the nature of these operations, their positive and negative impacts on communities, and attempts to regulate them. The following is a short list of informative documents to provide background for the Board of Selectmen.

1. Short-Term Rental Regulation in Connecticut. Southeastern Connecticut Council of Governments, October 2023. See Exhibit 10 attached. <http://seccog.org/wp-content/uploads/2023/10/ShortTermRentalRegulationinConnecticutOctober-2023.pdf>
Provides an overview of short-term rentals and a summary of attempts to regulate them at the state and local level; includes results of a recent survey of municipalities in our region.
2. Regulating Airbnb Rentals through Zoning in Connecticut, Julia Singer Bansal, Associate Analyst, September 28, 2018 | 2018-R-0200.
<https://www.cga.ct.gov/2018/rpt/pdf/2018-R-0200.pdf>
Prepared by Connecticut's Office of Legislative Research to assess if Airbnb rentals differ from traditional bed and breakfast operations and summarizes techniques to control them.
3. Room Occupancy Tax on Short Term Rentals. State of Connecticut Department of Revenue Services SN2019(9).
[https://portal.ct.gov/-/media/DRS/Publications/pubssn/2019/SN-2019\(9\).pdf](https://portal.ct.gov/-/media/DRS/Publications/pubssn/2019/SN-2019(9).pdf)
Describes the state's room occupancy tax for short-term rentals (30 days or less); the tax does not apply to rentals of 90 days or more.
4. Review of Short-Term Rentals and Their Potential Social Impact, Sustainable Tourism IX, 65-75, WIT Transactions on Ecology and the Environment, Vol 248, 2020.
Doi 10.2495/ST200061.
Provides an in-depth discussion of short-term rentals in San Antonio, Texas and focuses on the impacts of these operations near tourism sites.

5. Research: Restricting Airbnb Rentals Reduces Development, Harvard Business Review, November 17, 2021.
<https://hbr.org/2021/11/research-restricting-airbnb-rentals-reduces-development>

E.L. STR COMMITTEE--LIST OF EXHIBITS FOR STATUS REPORT—APRIL 2024

EXHIBIT #	SECTION #/PAGE #	CITATION
Appendix	2B/pg.2; 2D/pg.4	Granicus E.L. Assessment, Feb. 2024
1	3B (1)/pg. 6	East Lyme Noise Control Ordinance
2	3B (2)/pg. 7	East Lyme Parking Ordinance
3	4/pg. 8	CT. Supreme Court Staff Summary-- <u>Wihbey</u>
4	6/pg. 12	Guidelines for Owners of Short Term Rental Property—Giant’s Neck Heights Beach Association
5A	8/pg. 14	Drelich, Kimberly, “Pending Conn. Supreme Court case...”, The Day, 1/11/24
5B	8/pg.14	Drelich, Kimberly, Groton approves short-term rental regulations, The Day, 4/10/24
6	9/pg. 15	C.G.S. Sections 12-63b and 12-63c
7	9/pg. 15	East Lyme Assessor’s letter and form—Annual Income and Expense Report (Hotels/Motels)
8	9/pg. 16	C.G.S. Section 12-41
9	9/pg. 16	East Lyme Assessor’s letter to the Committee, January 29, 2024
10	10/pg. 16	SCCOG, <u>Short-Term Rental Regu- lation in Connecticut</u> , October 2023
11	10/pg. 17	Farrugia, Gary, and McIntire, Greg, <u>Local Short-Term Rental Permit Com- parisons</u> , February 2024

E.L. STR COMMITTEE—LIST OF EXHIBITS FOR STATUS REPORT—APRIL 2024, CONT'D

12	10/pg.17	Drainville, Daniel, "Montville...will not discuss short-term rentals...", The Day, 12/4/23
13A	10/pg. 17	Moser, Erica, "Noank prepares to enforce prohibition on short-term rentals", The Day, 9/13/21
13B	10/pg.17	Moser, Erica, "A year into short-term rental enforcement...", The Day, 10/8/22
14	10/pg. 17	Hewitt, Cate, "Ledyard Opts for Hosted Short-Term Rentals with Stronger Regulation", CT Examiner, 1/17/22
15	10/pg. 18	Drainville, Daniel, "Preston looks to stop influx of short-term rentals", The Day, 11/16/23
16	10/pg. 18	Lyme's STR Zoning Regulations
17	10/pg. 18	Bozrah's STR Ordinance
18A	10/pg. 19	Vallee, Jason, Stonington's STR Ordinance Faces Uphill Battle...", The Westerly Sun, 3/2/2023
18B	10/pg.19	Czerwinski, Carrie, Stonington voters reject short-term rental ordinance, The Day, 3/14/23
18C	10/pg.19	Stonington's Proposed STR Ordinance, 2023
19A	10/pg.19	Simsbury's STR Ordinance
19B	10/pg.19	Simsbury's STR Permit Application
19C	10/pg.19	Simsbury's Zoning Regulations--STRs



GRANICUS

govService

Host Compliance

—
East Lyme

Kester Bonsu
February 2024

Monitoring Short-Term Rentals (STRs) presents both widely known and underappreciated challenges



Getting **visibility** into STR data is **nearly impossible**

🕒 **<10%**

Of STR owners voluntarily get registered and pay all of their taxes



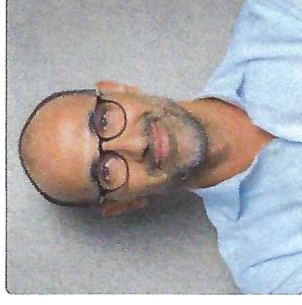
Manual processes weigh on my team and **drain our budget**

🕒 **20-30%**

Issues with STRs growing at an alarming rate year over year



Our **internal alignment** is ineffective and **suffers**



So much of my **time is wasted on finding more room in the budget**

The Short-Term Rental Market is Exploding

Many communities are struggling to define and enforce regulations that preserve community character and keep communities safe while ensuring revenue collection.



15x

the # of short-term rental listings since 2011



27

global markets have seen home rentals outperform hotels in the last year



100s

of different platforms make it nearly impossible to manually track STR property listings



239%

Increase in STR related party complaints in the last year

Without compliance, local government knows STRs bring significant challenges

>> Lost economic opportunities

>> Diminished neighborhood character

>> Impact on housing affordability

>> Wasted time and money

The Coronavirus Outbreak > **NYC** About Us News Maps and Cases Vaccine Information Timeline Wuhan, One Year Later

The New York Times

The Future of Airbnb

Home-sharing's challenges aren't only about social distancing and hygiene. Overtourism, racial bias, fee transparency and controlling the party crowd are also in the mix.

The Case that Short-Term Rentals Actually Make Our Neighborhoods Stronger

Tech challenges (and coronavirus) were the focus for rental managers in 2020

By Linda For December 22, 2020

The New York Times

Airbnb Fights Its 'Party House Problem'

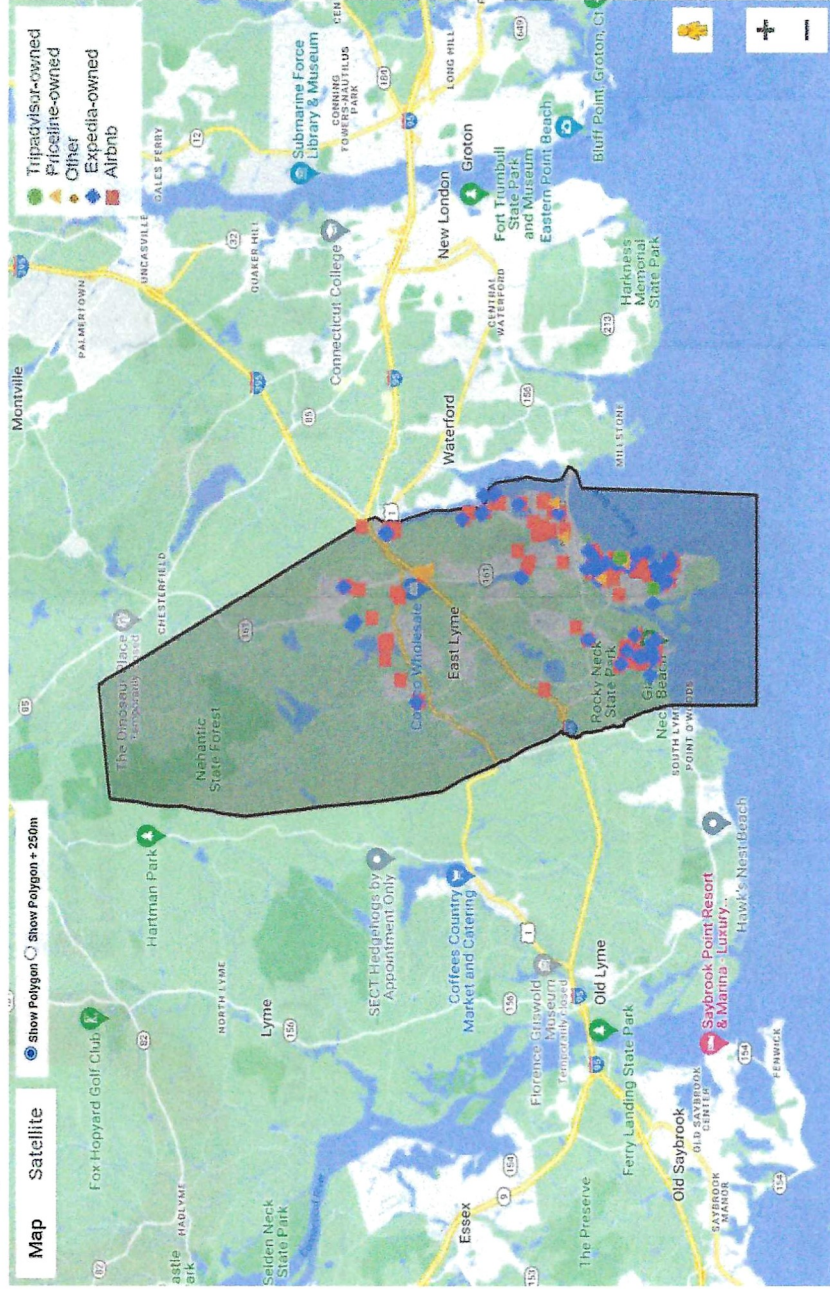
Noise, Damages, Safety questions. Airbnb is racing to address the risks posed by partying guests before it goes public.

Forbes

Dec 1, 2020 12:28pm EST | 5 min read

The Growth And Challenges Of Vacation Rentals In The Age Of Covid

...and in East Lyme we have identified 171 listings, representing 123 unique rental units* Short-term rentals in East Lyme as of February 2024



* Granicus Host Compliance's pricing is based on the count of listings and rental units that would need to be analyzed and monitored for compliance. In terms of listings, this number is 182 as we will expand our search area by several hundred yards beyond the borders of East Lyme to capture all relevant listings. Source: Granicus Host Compliance Proprietary Data

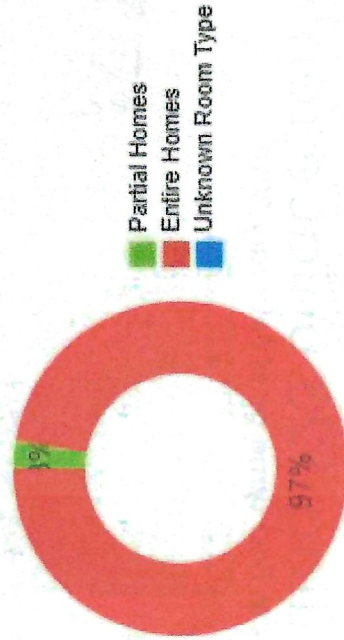


East Lyme STR Market Details

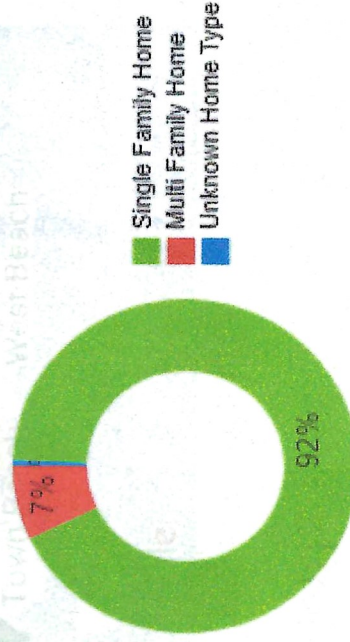
Median Nightly Rate
(USD)

\$254

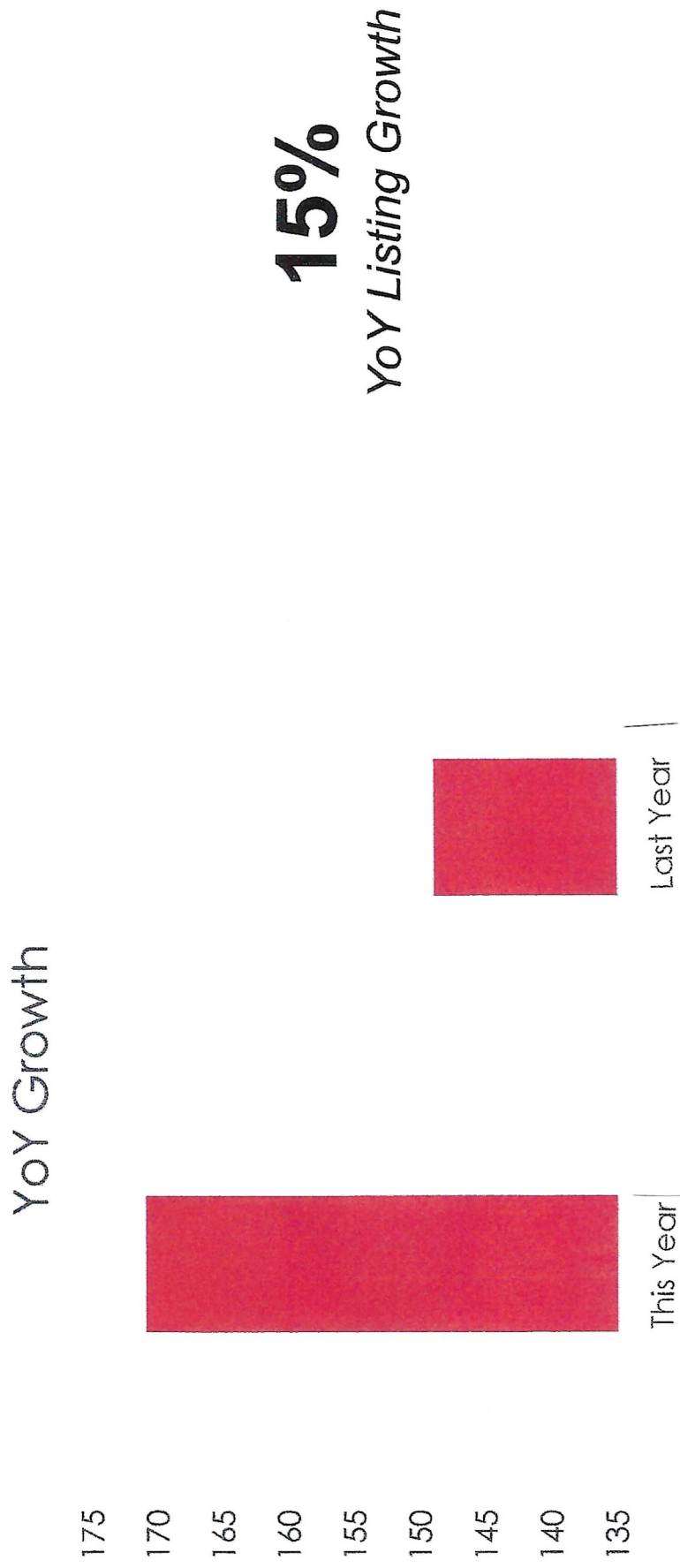
Unit Types



Listing Types



The number of short-term rental listings has grown 15% in East Lyme over the last year



CHAPTER 90: NOISE CONTROL

Section

- 90.01 Purpose
- 90.02 Definitions
- 90.03 Noise levels
- 90.04 Exclusions
- 90.05 Exemptions
- 90.06 Refuse collection noise
- 90.07 Motor vehicle noise
- 90.08 Variances
- 90.09 Severability

- 90.99 Penalty

§ 90.01 PURPOSE.

(A) Pursuant to the general authority of Conn. Gen. Stat. § 7-148 and the specific authority of Conn. Gen. Stat. § 22a-73(c) it is hereby resolved that to preserve and promote the health, safety and general welfare of the citizens of the town; it is in the common interest to enact a reasonable regulation pertaining to the reduction, control and/or prevention of noise as to promote a general environment free from excessive noise and vibration.

(B) This chapter is enacted to preserve, protect and promote the public health, safety, convenience, general welfare, peace, quality of life and property values for the citizens of the town, and to facilitate the enjoyment of natural resources and tranquility of the town, through the reduction, control and prevention of excessive noise and vibration.

(Ord. passed - -)

§ 90.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMBIENT NOISE or **BACKGROUND NOISE.** Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

BOARD OF SELECTMEN. The Board of Selectmen of the Town of East Lyme or a duly authorized officer.

COMMERCIAL ZONE. As set forth in the town zoning regulations and all associated therewith either permitted as a right or as a special use.

CONSTRUCTION. Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar properties, but excluding demolition.

CONSTRUCTION EQUIPMENT. Any equipment or device operated by any fuel or electric power used in construction or demolition work.

DAYTIME HOURS. The hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sundays.

DECIBEL. A logarithmic unit of measure in measuring magnitudes or sound. The symbol of *fdB*.

DEMOLITION. Any dismantling, intentional destruction or removal of structures, utilities, public or private right-or-way surfaces or similar properties.

DOMESTIC POWER EQUIPMENT. Including, but not limited to, power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

EMERGENCY. Any occurrence or set of circumstances involving actual or perceived imminent physical trauma or property damage which demands immediate action.

EMERGENCY VEHICLE. Any motor vehicle authorized by the State of Connecticut to have sound warning devices, such as sirens and bell, which can lawfully be used when responding to an emergency. (Conn. Gen. Stat. § 14-283)

EMERGENCY WORK. Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure of imminent danger.

IMPULSE NOISE. Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

INDUSTRIAL ZONE. As set forth in the town zoning regulations and all uses associated therewith, either permitted as a right or a special use.

MOTOR VEHICLE. Per Conn. Gen. Stat. § 14-1.

MUFFLER. A device for abating sounds such as escaping gases.

NIGHTTIME HOURS. The hours between 10:00 p.m. and 7:00 a.m., Sunday evening through Saturday morning, except that **NIGHT** shall mean the hours between 10:00 p.m. Saturday and 9:00 a.m. Sunday.

NOISE. Any sound, the intensity of which exceeds the standards set forth in §90.03.

NOISE LEVEL. The sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designed db(A) or dBA.

PERSON. Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

PREMISES. Any building, structure, land or portion thereof, including all appurtenances, and shall include yard, lots, courts, inner yards and real properties without building or improvements owned or controlled by a person. The emitter's **PREMISES** includes contiguous publicly dedicated street and highway rights-or-way, all road rights-or-way and waters of the state.

PROPERTY LINE. That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person and separates real property from the public right-of-way.

PUBLIC RIGHT-OF-WAY. Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a governmental entity.

RECREATIONAL MOTORIZED VEHICLE. Any motorized vehicle, whether or not duly licensed and registered, including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, dirt bikes, go-carts, ATVs, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats or aircraft.

RESIDENTIAL ZONE. Those residential districts as defined and set forth in the town zoning regulations and all uses associated therewith either permitted as a right or as a special use.

SOUND. A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

SOUND LEVEL METER. An instrument used to take sound-level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for Sound Level Meters S1.4. 1971 (Type S2A).

SOUND PRESSURE LEVEL. Twenty times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of 20 micronewtons per square meter and is expressed in decibels (dB).

(Ord. passed - -)

§ 90.03 NOISE LEVELS.

(A) No person shall cause or allow the emission of excessive noise beyond the boundaries of his or her premises in excess of the following noise levels:

<i>Property Use Emitter</i>	<i>Property Use Receptor</i>			
	<i>Residential</i>		<i>Nonresidential</i>	
	<i>Day</i>	<i>Night</i>	<i>Day</i>	<i>Night</i>
Nonresidential zone emitter	55 dBA	45 dBA	52 dBA	45 dBA
Residential zone emitter	55 dBA	45 dBA	55 dBA	45 dBA

(B) Measurements shall be taken at a point on the property line of the emitter closest to the receptor and/or at the property line at any neighboring property (that may or may not be contiguous) with a more restrictive decibel allowance. In cases where the emitter is located on jointly owned property, such as industrial parks and condominiums, the noise measuring equipment (i.e., microphone) shall be placed at a 50-foot distance from the noise source. The microphone shall be placed no closer than five feet from any wall and not less than three feet above ground that is located about one foot beyond the boundary of the emitter's premises within the receptors premises. The emitter's premises include his or her individual unit of land or group of contiguous parcels under same ownership as indicted by public land records.

(1) No person shall cause or allow the emission of impulse noise in excess of 80 dBA peak sound pressure level during the night time to any residential noise zone.

(2) No person shall cause or allow the emission of impulse noise in excess of 100 dBA peak sound pressure level at any time to any zone.

(3) In those individual cases where the background noise levels caused by sources not subject to this chapter exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise level by 5 dBA, provided that no source subject to the provisions of the noise levels in division (A) above, shall emit noise in excess of 80 dBA at any time, and provided that this section does not decrease the permissible levels of the other sections of the chapter.

(Ord. passed - -) Penalty, see § 90.99

§ 90.04 EXCLUSIONS.

These levels shall not apply to noise emitted by or related to:

(A) Natural phenomena;

(B) Any bell or chime from any building clock, school or church;

(C) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system used in an emergency situation; provided however, that burglar alarms not terminating in 30 minutes after being activated shall be unlawful;

(D) Warning devices required by the Occupational Safety and Health Administration of other state or federal safety regulations;

(E) Farming equipment or farming activity; and

(F) Train horns and signals.

(Ord. passed - -)

§ 90.05 EXEMPTIONS.

The following shall be exempt from these regulations subject to special conditions as spelled out:

(A) Noise generated by any construction equipment which is operated during daytime hours. Noise generated by construction equipment during nighttime hours shall not exceed the maximum noise levels as specified on § 90.03;

(B) Noise created as a result of or relating to an emergency;

(C) Noise from domestic power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours;

(D) Noise from snow removal equipment;

(E) Noise from demolition work conducted during daytime hours. When considered emergency work, demolition shall be exempted at all times from the noise levels set in this regulation;

(F) Noise created by any aircraft flight operations which are specifically permitted by the Federal Aviation Administration;

(G) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town or state, including, but not limited to, parades, sporting events, concerts and firework displays;

(H) Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time at specified hours previously announced to the local public or provided that a permit for such blasting is obtained from local authorities; and

(I) Noise generated by the police and other established shooting facilities as permitted by state firearms laws, Conn. Gen. Stat. § 22a-74a.

(Ord. passed - -)

§ 90.06 REFUSE COLLECTION NOISE.

All refuse collectors shall comply with the noise level standards as established in this chapter while engaging in refuse collection at each location. For purposes of this chapter, the term **REFUSE COLLECTORS** shall be synonymous with private haulers, and all other persons that commercially engage in the collection and transportation of refuse and other debris.

(Ord. passed - -) Penalty, see § 90.99

§ 90.07 MOTOR VEHICLE NOISE.

(A) All motor vehicles as defined in Conn. Gen. Stat. Chapter 246, § 14-1, operated within the limits of the town shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Conn. Gen. Stat. § 14-80a.

(B) No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in the noise levels section (§ 90.03).

(C) No person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds the limits set forth in § 90.03.

(Ord. passed - -) Penalty, see § 90.99

§ 90.08 VARIANCES.

(A) Any person living or doing business in the town may apply to the town's Board of Selectmen for variance from one or more of the provisions of the chapter which are more stringent than the State Department of Environmental Protection regulations for the control of noise; provided that the applicant supplied all of the following information to the Board of Selectmen at least 20 days prior to the start of said activity:

- (1) The location and nature of the activity;
- (2) The time period and hours of operation of said activity;
- (3) The nature and intensity of the noise that will be generated; and
- (4) Any other information required by the Board of Selectmen.

(B) No variance from these regulations shall be allowed unless it has been demonstrated that:

(1) The proposed activity will not violate any provisions of the State Department of Environmental Protection regulations;

(2) The noise levels generated by the proposed activity will not constitute a danger to the public health; and

(3) Compliance with the regulations constitutes an unreasonable hardship on the applicant.

(C) The application for variance shall be reviewed and either approved or rejected at least five days prior to the proposed start of said activity. The approval or rejection shall be writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.

(D) Failure to rule on the application in the designated time shall constitute approval of the variance.

(Ord. passed - -)

§ 90.09 SEVERABILITY.

If any term or provision, or any portion thereof, of this chapter, or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of the chapter, or the application of such term or provision to persons or circumstances, other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this chapter shall be valid and be enforced to the fullest extent permitted by law. Should a court of competent jurisdiction find any provision or part of a provision unenforceable as written the court may reform such provision or part of a provision to render it enforceable consistent with the general intent of the remaining portion of such provision and/or this chapter.

(Ord. passed - -)

§ 90.99 PENALTY.

(A) The Town Police Department (the "Police Department") shall be responsible for investigating and documenting, through acoustic measurements, violations of this chapter.

(B) Any person or entity violating any provision of the chapter shall be fined \$90 and each additional violation shall constitute a separate offense. Any certified law enforcement agent with jurisdiction in the town is hereby authorized to issue infraction ticket(s) pursuant to Conn. Gen. Stat. §§ 51-164p(a), 51-164m and 51-164n.

(C) The provisions of this chapter are in addition to, and not in lieu of, any other remedies available to the town under the Connecticut General Statutes and other sections of the Town Charter. The issuance of infraction tickets under this chapter shall not preclude the exercise of such other remedies. In addition, the town may seek injunctive relief for continued or repeated violations.

(Ord. passed - -)

CHAPTER 72: PARKING

Section

72.01 Restricting parking of commercial vehicles in residential zones

72.02 General parking restrictions

72.99 Penalty

§ 72.01 RESTRICTING PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES.

No commercially operated or licensed vehicle having a gross weight of 10,000 pounds or more, shall be parked or stored on any public street in a residential zoned area except as follows:

(A) When actively engaged in the conduct of business, i.e., loading, unloading, installation or repair, and directly related to property located in a residential zone;

(B) In connection with any legally existing, nonconforming, nonresidential use located in a residential zone. Any on-street parking of such vehicles shall be restricted to the abutting street frontage related to the nonresidential use; and

(C) On an occasional basis, not exceeding an average of once a month, when such use is in conjunction with the need for emergency repair response such as by a utility serviceman or mechanical systems repairman, or other incidental use approved in writing by the First Selectman.

(Ord. passed 9-24-1986) Penalty, see § 72.99

Editor's note:

TM Volume 16, page 15

§ 72.02 GENERAL PARKING RESTRICTIONS.

(A) No vehicle shall be parking in the following manner on a highway or a municipal parking lot in the town.

(1) Upon a highway:

- a. Within ten feet of any fire hydrant;
- b. Parallel and adjacent to a vehicle already parked in a particular area;
- c. Upon any public sidewalk except when in the process of crossing said sidewalk or when necessary to perform sidewalk construction, maintenance or snow removal or when other emergency circumstances require;
- d. In such manner as to obstruct or interfere with the ingress or egress from a private driveway or alleyway, except with the permission of the owner of such private driveway or alleyway;
- e. Upon the traveled portion of any highway except upon the right-hand side of such highway in the direction in which such vehicle is headed;
- f. With the right-hand wheels further than 12 inches from the curb or edge of the highway;
- g. Within 25 feet of any intersection, marked crosswalk or stop sign;
- h. At a bus stop, taxi-stand, loading and unloading zones except vehicles performing the intended purpose in those designated areas;
- i. In such manner as to obstruct the flow of traffic;
- j. In violation of any sign posted by the traffic authority of the town or the State of Connecticut which prohibits, limits or regulates the parking of vehicles within the town.

(2) In a municipal lot:

- a. In violation of any restrictions posted by order of the Board of Selectmen or the legal traffic authority of the town;
- b. In such manner as to obstruct or interfere with the ingress or egress from the lot;
- c. In such manner as to obstruct or prevent the movement of other parked vehicles within the lot.

(3) For the purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HIGHWAY. Includes any state or public highway, road, avenue, street, alley, driveway, parkway or thoroughfare under the jurisdiction of the town.

MUNICIPAL LOT. Any area under the jurisdiction of the town that is dedicated and posted for the parking of motor

vehicles.

(B) *Enforcement.* Any officer or other designated representative of the town Police Department may attach to any vehicle found in violation of any of the regulations set forth in this section, a notice to the owner or operator thereof that such vehicle has been parked unlawfully, identifying which prohibited act(s) have been violated and the penalties for such violation(s) and that the owner or operator shall pay the penalty for such violation by appearing in person at Police Headquarters or by mailing such notice, with the amount of the penalty, to the town Police Department.

(C) *Collection and disbursement of funds received as penalties.* The town Police Department is authorized to accept payment of the penalties from any person found to be in violation of this section. The Police Department shall deposit such payments into an account designated by the Board of Selectmen. The Police Department shall keep a record of all such penalties paid to it for such violations and the registration information of all such vehicles found to be in violation and present the same to the Board of Police Commissioners as requested by the Commission. Such report shall be kept for record in the Town Hall.

(D) *Appeals process.* The town hereby adopted the provisions of Conn. Gen. Stat. § 7-152b, as it may be amended from time to time, which section establishes a hearing procedure for parking violations as more particularly set forth in said statute.

(E) *Snow emergencies.* Any vehicle parked on a highway within the town during, or within 12 hours after, a snowfall of three inches or more shall be subject to being removed and towed. Such removal shall be at the risk and sole expense of the owner of the vehicle.

(F) *Towing.* In addition to penalties described in this section and §72.99, a town police officer may order any vehicle which is parked so as to impede traffic or to obstruct snow removal operations to be towed from the location in which it is parked to a suitable location at the owner's or operator's expense. The procedure for such removal is set forth in Conn. Gen. Stat. §§ 14-145 and 14-150.

(Ord. passed 8-2-2018)

§ 72.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Each violation of § 72.01 shall be subject to a fine of not more than \$99.

(C) The fine for parking in the town in violation of the General Statutes or the rules enacted by the Board of Selectmen, as the traffic authority of the town, shall be \$5 for each offense.

(D) The penalty for violation of § 72.02 shall be \$50. If the designated fine is not paid within 14 calendar days, said fine shall double in amount.

(Ord. passed 6-24-1976; Ord. passed 9-24-1986; Ord. passed 8-2-2018)

Editor's note:

TM Volume 12, page 240

TM Volume 16, page 15

**FRANCES WIHBEY v. ZONING BOARD OF APPEALS OF THE PINE ORCHARD
ASSOCIATION, SC 20839**

Judicial District of New Haven

Zoning; Nonconforming Use; Whether Short-Term Rentals of Single-Family Dwelling Constituted Permissible Use under 1994 Pine Orchard Association Zoning Regulations. The plaintiff owns a single-family home (property) in a residential area in Branford to which the zoning regulations of the Pine Orchard Association (Pine Orchard) apply. The zoning regulations in effect at the time the plaintiff purchased the property (1994 regulations) provide for several permitted uses, including use as "[a] single-family dwelling." The 1994 regulations define a "single-family dwelling" as "[a] building designed for and occupied exclusively as a home or residence for not more than one family." The 1994 regulations in turn define "family" as "[o]ne or more persons related by blood, marriage or adoption." The terms "home" and "residence" are not defined. In 2018, Pine Orchard amended its zoning regulations (2018 regulations) to provide that "[a] single-family dwelling may not be used or offered for use as a [s]hort-[t]erm [r]ental [p]roperty," which is defined as "[a] residential dwelling unit that is used and/or advertised for rent for occupancy by guests for consideration for a period of less than thirty (30) continuous days." In 2019, a Pine Orchard zoning enforcement officer issued the plaintiff a letter ordering him to cease and desist from renting his property to short-term overnight guests in violation of the 2018 regulations. The plaintiff appealed to the defendant Pine Orchard Association Zoning Board of Appeals (board), claiming that his use of the property for short-term rentals was a protected nonconforming use under the 1994 regulations. The board upheld the cease and desist order, concluding that short-term rentals were not permitted under the 1994 regulations and that, therefore, the plaintiff's use of the property was not a preexisting nonconforming use. The plaintiff then appealed from the board's decision to the trial court. The court sustained the plaintiff's appeal and reversed the board's decision, concluding that the plaintiff's use of the property was lawful under the 1994 regulations. Pine Orchard and two intervening homeowners appealed to the Appellate Court, arguing that the use of any property in Pine Orchard for short-term rentals has never been permitted and is inconsistent with the use of a property as a "home" or "residence," which terms the defendants argued implied some degree of permanence. The Appellate Court (218 Conn. App. 356) determined that the drafters of the regulations intended that these terms be accorded different meanings and that "residence" is best construed as meaning a place where someone lives for some period of time without the same sense of permanence associated with a home. According to the Appellate Court, so long as one family dwells in the property, any amount of time may constitute "some time" sufficient to make the property the family's residence. Consequently, the Appellate Court concluded that the trial court had properly held that short-term rentals were a lawful, permitted use consistent with the definitions of "single-family dwelling" and "family" in the 1994 regulations. Our Supreme Court thereafter granted the defendants certification to appeal, and it will now decide whether the Appellate Court correctly concluded that such short-term rentals constituted a permissible use of the subject property under the 1994 regulations.



GUIDELINES FOR OWNERS OF SHORT TERM RENTAL PROPERTY

Giants Neck Heights Association will require residents to follow these guidelines when renting on a short or long term basis in the community.

1. Parking

- Please tell renters not to park on the street. If they have visitors, all cars should be parked on the property being rented.
- Each property has a limit of 6 cars to be parked on the property itself.
- Passes issued to members must be used in the turnaround and parking lot at the beach.
- If a pass is lost, members of the association have a one time replacement pass issued for a fee of \$50
- Provide renters with a guideline of policies regarding dropping off at the beach, as well as a link to the web site for events being held during their stay.

2. Occupancy

- Please regulate the occupancy to suit the number of bedrooms and bathrooms in your home. For example, a 2-bedroom house should allow 4 renters; a 3 bedroom house with 2 baths can allow 6-8 renters.
- Advertisement of your property must respect the number of people limit. In no case are you allowed more than 10 renters at a time.

3. Neighborly behavior

- Please remind your renters that this is a family residential neighborhood, not a tourist spot.
- We recommend you not allow "party houses" hosting events that are noisy and continue after sunset.
- We recommend you manage noise and trash with explicit instructions for your renters.
- Encourage your renters to be law-abiding and respectful to neighbors and law enforcement.
- Please create a brochure for your renters that includes trash and recycling guidelines and expectations.

Local News

Tuesday, April 23, 2024

Pending Conn. Supreme Court case could affect proposed short-term rental rules



January 10, 2024 7:25 pm • Last Updated: January 11, 2024 11:06 am

By Kimberly Drelich

Day Staff Writer

✉ k.drelich@theday.com

Groton — The town has tabled a discussion of proposed short-term rental regulations amid uncertainty over a pending Connecticut Supreme Court case involving a Branford beach community that could have implications for Groton and communities across the state.

The town's Planning and Zoning Commission also wanted to weigh more than a dozen comments from people over the regulations that the commission has been crafting as it looks to how to handle the **controversial issue**.

Residents during a public hearing Tuesday said regulations would protect their quality of life and prevent escalating housing costs, while short-term rental owners raised concerns about "over-regulation" and said renting out their properties helps them afford to live in town.

Groton is among the communities in the region weighing regulations. East Lyme has an ad-hoc committee and is **in the process** of figuring out what to do about short-term rentals. In Preston, a **six-month moratorium** on short-term rentals started on Dec. 15 so the Planning and Zoning Commission has time to make a decision regarding whether or not they should be allowed.

Lyme adopted regulations in 2022 to allow short-term rentals of no more than 30 days for up to six rooms and 12 guests at a time. A host must live on-site whenever guests are there. Montville currently allows short-term rentals, but they are **designated** as bed and breakfasts.

The Town of Groton Planning and Zoning Commission's proposed regulations would ban new short-term rentals, of 30 days or less, in some town zones, while allowing them if they met certain conditions and received approval in other zones.

Deborah Jones, the town's assistant director of planning and development services, said that if adopted, the regulations would only apply to new short-term rentals.

Specifically, the regulations would ban new short-term rentals in single-unit residential (RS) zones, heavy industrial (IG) zones, Working Waterfront zones and green zones, according to the proposal.

Short-term rentals would be allowed, if they met certain conditions and received site plan approval, in neighborhood commercial (CN), regional commercial (CR), and mixed-use industrial (IM) zones.

Short-term rentals would be allowed, if they received both a site plan and a special permit, in (R) residential zones that allow one and two-unit dwellings, rural residential (RU) zones, multi-unit residential (RM) zones, and in the mixed-use zones of downtown Mystic, downtown Groton and Poquonnock Bridge.

In residential zones, the owner or long-term lessee would be required to live on site, according to the proposal.

The regulations outline requirements for parking, lighting, noise and temporary events and restrict the number of short-term rentals per lot in residential zones, according to Jones.

egulations would not apply to Noank, G

In Noank, short-term rentals are **not** authori

Pending court case



The town's Planning and Zoning Commission closed the public hearing on Tuesday and is slated to discuss the proposed regulations at a later meeting. Members said they wanted time to digest the information and also to understand the potential impacts of the court case, *Frances Wihbey v. Zoning Board of Appeals of the Pine Orchard Association*.

According to court documents, the Pine Orchard Association's Zoning Board of Appeals banned short-term rentals in 2018 and told Wihbey he could not rent out his property, but Wihbey argued that his short-term rental was a "protected nonconforming use under the 1994 zoning regulations, which were the governing regulations when he bought the property and began using it for short-term rentals."

Groton Town Attorney Rich Cody noted in written comments to Jones last Thursday that a decision in the case before the Connecticut Supreme Court could affect how the town could enforce the proposed regulations if they are adopted. Superior Court and Appellate Court decisions have said short-term rentals are allowed in the Pine Orchard Association.

In a letter to the commission on Tuesday, Edward E. Moukawsher, an attorney for residents Heather Sutter and Bruce McDermott, said the case will be heard in February. He said the case "will establish the law pertaining to STRs in the State of Connecticut" and urged the commission to not take any action until the Supreme Court "has resolved the issue of whether STRs are an allowed use in a residential zone."

Comments from residents

At Tuesday's hearing, people in favor of the proposed regulations said short-term rentals were driving up the prices of homes, at a time when housing is in short supply, and having deleterious effects on neighborhoods. Many short-term rental owners spoke at the hearing and said some regulation is fine, but argued against going too far because short-term rentals allow people to pay the taxes to live in town and benefit the community.

Resident Elisabeth Pendery said the proposal will "go far to protect our neighborhoods from the professional investors that have proliferated in southeastern Connecticut and beyond."

She said short-term rentals diminish available housing stock and exacerbate the affordable housing crisis in the community, burden infrastructure, and "accelerate gentrification and disproportionately displace lower-income, long term residents."

Ellen Elfering, who owns a short-term rental home and lives in a cottage on her property, said those are townwide issues. She said what is driving up housing costs is people moving out of cities to this beautiful community.

She said the short-term rental owners all talk and communicate: "I feel like people want to do the right thing and financially it is something that people need in their lives," she said.

Resident Bruce McDermott thanked the commission for "common sense regulations" and said they would help neighborhoods and quality of life.

Geoff Gordon, a resident who owns multiple short-term rentals, said it is counter intuitive to ban future short-term rentals in the RS zones, which skew toward the neighborhoods that are walkable to downtown Mystic, the region's tourist hub.

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Day Staff Writers Claire Bessette, Daniel Drainville and Elizabeth Regan contributed to this report.

Comment threads are monitored for 48 hours after publication and then closed.

READER COMMENTS

KATHLEEN NEUGENT January 11, 2024 at 15:35

Report

In my view, the problem isn't with the owner occupied STR's: the person who wants to rent out a room or small in-law apartment in their home to help meet expenses; or, the family with a vacation home the family uses part of the year and rents other weeks to help pay taxes and upkeep. The problem is with outside investors buying up multiple properties and running them as STRs. They're running a business purely for profit and taking housing out of the local long-term rental market. This is exasperating our housing shortage and driving up rents. The later is the type of STR that needs to be curtailed.

Elisabeth Pendry January 11, 2024 at 14:55

Oh Heavens, Jessica! There is SO much literature on the correlation between rising housing costs and the presence of STRs (AirBnB). Since you are in the industry, it is well that you are aware of this fact. Also, educate yourself on the additional externalities imposed on communities by STRs. The State Supreme Court will soon come to a determination, and the case will hopefully be in support of communities, not real estate speculators and outside investors. Here's a read: "The dark side of the sharing economy: A systematic literature review of externalities and their regulation" by Mohamed Mosaad, et. al., Nov 2023

Jessica Hodge January 11, 2024 at 09:37

Report

Is there data behind the statement "short-term rentals diminish available housing stock and exacerbate the affordable housing crisis in the community, burden infrastructure, and "accelerate gentrification and disproportionately displace lower-income, long term residents." ? I would really like to know.

I am also curious as to how an STR has any effect on the "quality of life" of others. Are there instances where an STR renter abuses the property or does something that they shouldn't, sure, but like anything, whether you have a new neighbor that you end up in an ongoing battle over your lot lines, mowing the lawn, partying into the wee hours or where they can park, these things are all just chance and can happen to anyone, at any time. Groton, along with most towns, has raised taxes each year, the average family can't afford to buy a house let alone rent one. The long-term rental market has gone up exorbitantly in the last couple of years. What is the problem with a homeowner having a STR to help cover the costs and not have to sell or let it go into foreclosure?

STORIES THAT MAY INTEREST YOU



The Day's All-Area Wrestler of the Year: East Lyme/Norwich Tech's Lincoln Carlson

After placing third at 160 pounds in the State Open as a sophomore, Lincoln Carlson made it his mission to come into the following year with a vengeance. At 175 pounds, Carlson finished his dominant j...



Andrew Parrella announces campaign for 18th Senate District

Groton — Representative Town Meeting member Andrew Parrella announced he is seeking the Democratic nomination to challenge Sen. Heather Somers, R-Groton, for the 18th District Senate seat in November...



The Day's All-Area Boys' Swimmer of the Year: Fitch co-op's Evan Hespeler

After graduating several key swimmers last season, the Fitch High School cooperative swimming and diving team relied on Evan Hespeler to step into a far larger role both in



Small Business Summit draws more than 200 to Groton

Groton — More than 200 people convened here Monday for the second annual CT Small Business Summit, headlined by keynote speaker U.S. Rep. Joe Courtney, who touted efforts by the Biden administration ...

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01:35 pm

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12:31 pm

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06:09 am

With homelessness on the rise, Supreme Court weighs bans on sleeping outdoors

11:53 pm

Local election workers fear threats to safety as November nears

11:11 pm

TRENDING

- 1** Why did the church collapse? South African architect says he knows
 - 2** Citing 'level of depravity,' judge refuses to reduce 85-year sentence for New London killer
 - 3** Navy review highlights challenges behind shipbuilding delays in Virginia, nationwide
 - 4** Waterford's new juvenile prosecutor where she was 'meant to be'
 - 5** Trump has only \$6.8M available for legal fees, faces cash crunch
-

PODCASTS

An altar boy in Newport, Rhode Island

Bee rescuer Patrick Gaudin

Reporting on church sex abuse cases for over 20 years

Dictionary researcher Joshua Pendragon

Providing victims of church abuse some justice and accountability



Local News

Wednesday, April 24, 2024

Groton approves short-term rental regulations



April 10, 2024 5:10 pm • Last Updated: April 10, 2024 8:02 pm

By **Kimberly Drelich**
Day Staff Writer

k_drelich@theday.com

Groton — With the busy warm-weather season approaching, the town's Planning and Zoning Commission on Tuesday approved short-term rental regulations that will go into effect May 15.

The regulations will only apply to new short-term rentals as existing ones are grandfathered.

Short-term rentals have been a **contentious** and **long-debated** issue in Groton. Some residents have charged that short-term rentals cause noise and quality-of-life problems and limit housing stock, while others have maintained the rentals boost the economy and provide the income they need to stay in town.

Meanwhile, the Town Council has decided to hold off on implementing any town ordinance such as one that would require the registration of short-term rentals, until a Connecticut Supreme Court case on short-term rentals is decided.

According to the new zoning regulations approved Tuesday, a homeowner or long-term lessee would need to have their primary residence on site for any short-term rentals allowed in residential zones. There also are limitations on the number of short-term rentals per lot in residential zones.

Short-term rentals will be banned altogether in single-unit residential zones and in heavy industrial, working waterfront and open space, green zones.

The regulations conditionally allow short-term rentals, with site plan approval, in neighborhood commercial, regional commercial and mixed-use industrial zones.

The regulations conditionally allow short-term rentals, with site plan and special permit approval, in residential zones with one and two-unit dwellings, rural residential zones, multi-unit residential zones, and in mixed-use zones in downtown Mystic, downtown Groton and Poquonnock Bridge. A special permit would require a public hearing.

The regulations stipulate that the short-term rental owner must provide an off-street parking space for every bedroom; show that the rentals will not be a nuisance to abutting neighbors, and comply with lighting standards and zoning, building, fire, and electrical codes.

The regulations define the time period for a short-term rental as 30 days or less.

The zoning regulations do not apply to the City of Groton, Noank and Groton Long Point, said Deborah Jones, the town's assistant director of planning and development services. Short-term rentals are **not authorized** in Noank.

Town Manager John Burt said if the Town Council chooses to move forward with a potential ordinance, it could, for example, require the registration of both existing and new short-term rentals. In 2021, the council had drafted an ordinance for registering short-term rentals, but did not adopt it.

In a March 6 letter to Planning and Zoning Commission Chairman Jeff Pritchard, Town Mayor Rachael Franco wrote that the council has decided to delay pursuing any short-term rental ordinance until the Connecticut Supreme Court decides the Branford case of Frances Wihbey v. Zoning Board of Appeals of the Pine Orchard Association.

The council also requested the Planning and



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Franco wrote that the town's attorneys have recommended the commission take a pause until the court case is decided. Franco said the attorneys have said the outcome of the case "will likely provide more clear terrain for the legal characterization and regulation of STRs, including the scope of nonconforming rights" and "could affect the enforceability of the proposed regulations."

Jones said the commission discussed the recommendation at a previous meeting but decided to move forward with regulations.

"It's unclear when that decision will be made and the commission decided to move ahead with their amendment, noting that they could revise the regulation if there is a conflict with the court's decision," Jones said.

Comment threads are monitored for 48 hours after publication and then closed.
k.drelich@theday.com

STORIES THAT MAY INTEREST YOU



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New London — The integrity of a damaged retaining wall is at the center of a pending lawsuit launched against the owners of a collapsed downtown church property. High Tide Capital, owner of the Manwa...



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Some say these are tough times for arts organizations. But don't try to tell that to the Eastern Connecticut Symphony Orchestra, whose musicians' ranks swelled to around 1,100 members Tuesday morning ...



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Montville — Students gathered trash bags, gloves and shovels as they participated in St. Bernard School's first ever Earth Day celebration on Monday. Theology and math teacher Carey Moran organized ...

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Sec. 12-63b. *(See end of section for amended version and effective date.)
Valuation of rental income real property. (a) The assessor or board of assessors in any town, at any time, when determining the present true and actual value of real property as provided in section 12-63, which property is used primarily for the purpose of producing rental income, exclusive of such property used solely for residential purposes, containing not more than six dwelling units and in which the owner resides, shall determine such value on the basis of an appraisal which shall include to the extent applicable with respect to such property, consideration of each of the following methods of appraisal: (1) Replacement cost less depreciation, plus the market value of the land, (2) capitalization of net income based on market rent for similar property, and (3) a sales comparison approach based on current bona fide sales of comparable property. The provisions of this section shall not be applicable with respect to any housing assisted by the federal or state government except any such housing for which the federal assistance directly related to rent for each unit in such housing is no less than the difference between the fair market rent for each such unit in the applicable area and the amount of rent payable by the tenant in each such unit, as determined under the federal program providing for such assistance.

(b) For purposes of subdivision (2) of subsection (a) of this section and, generally, in its use as a factor in any appraisal with respect to real property used primarily for the purpose of producing rental income, the term “market rent” means the rental income that such property would most probably command on the open market as indicated by present rentals being paid for comparable space. In determining market rent the assessor shall consider the actual rental income applicable with respect to such real property under the terms of an existing contract of lease at the time of such determination.

(P.A. 77-586, S. 1, 3; P.A. 84-417, S. 1, 2; P.A. 09-196, S. 2.)

***Note:** On and after June 1, 2024, this section, as amended by section 29 of public act 23-207, is to read as follows:

“**Sec. 12-63b. Valuations of rental income real property.** (a) The assessor or board of assessors in any town, at any time, when determining the present true and actual value of real property as provided in section 12-63, which property is used primarily for the purpose of producing rental income, exclusive of such property used solely for residential purposes, containing not more than six dwelling units and in which the owner resides, shall determine such value on the basis of an appraisal which shall include to the extent applicable with respect to such property, consideration of each of the following methods of appraisal: (1) Replacement cost less depreciation, plus the

market value of the land, (2) capitalization of net income based on market rent for similar property, and (3) a sales comparison approach based on current bona fide sales of comparable property. The provisions of this section shall not be applicable with respect to any housing assisted by the federal or state government except any such housing for which the federal assistance directly related to rent for each unit in such housing is no less than the difference between the fair market rent for each such unit in the applicable area and the amount of rent payable by the tenant in each such unit, as determined under the federal program providing for such assistance.

(b) In the case of an eligible workforce housing opportunity development project, as defined in section 8-395a, the assessor shall use the capitalization of net income method based on the actual rent received for the property.

(c) For purposes of subdivision (2) of subsection (a) of this section and, generally, in its use as a factor in any appraisal with respect to real property used primarily for the purpose of producing rental income, the term “market rent” means the rental income that such property would most probably command on the open market as indicated by present rentals being paid for comparable space. In determining market rent the assessor shall consider the actual rental income applicable with respect to such real property under the terms of an existing contract of lease at the time of such determination.”

(P.A. 77-586, S. 1, 3; P.A. 84-417, S. 1, 2; P.A. 09-196, S. 2; P.A. 23-207, S. 29.)

History: P.A. 84-417 added Subsec. (b) for purposes of defining the term “market rent”; P.A. 09-196 amended Subsec. (a) by adding “at any time” re determining present true and actual value of real property, deleting provision re properties for which there is insufficient data based on current bona fide sales of comparable property, deleting former Subdiv. (2) re use of gross income multiplier method of appraisal, redesignating existing Subdiv. (3) as Subdiv. (2) and adding new Subdiv. (3) re use of sales comparison approach of appraisal, and made a conforming change in Subsec. (b), effective October 1, 2009, and applicable to assessment years commencing on or after October 1, 2009; P.A. 23-207 added new Subsec. (b) re tax assessors to use the net income method to value eligible workforce housing opportunity development projects and redesignated existing Subsec. (b) as Subsec. (c), effective June 1, 2024, and applicable to assessment years commencing on or after June 1, 2024.

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Sec. 12-63c. Submission of income and expense information applicable to rental income real property. (a) In determining the present true and actual value in any town

of real property used primarily for purposes of producing rental income, the assessor, which term whenever used in this section shall include the board of assessors, may require in the conduct of any appraisal of such property pursuant to the capitalization of net income method, as provided in section 12-63b, that the owner of such property annually submit to the assessor not later than the first day of June, on a form provided by the assessor not later than forty-five days before said first day of June, the best available information disclosing the actual rental and rental-related income and operating expenses applicable to such property. Submission of such information may be required whether or not the town is conducting a revaluation of all real property pursuant to section 12-62. Upon determination that there is good cause, the assessor may grant an extension to not later than the first day of July to submit such information, if the owner of such property files a request for an extension with the assessor not later than June first.

(b) Any such information related to actual rental and rental-related income and operating expenses and not already a matter of public record that is submitted to the assessor shall not be subject to the provisions of section 1-210.

(c) If upon receipt of information as required under subsection (a) of this section the assessor finds that such information does not appear to reflect actual rental and rental-related income or operating expenses related to the current use of such property, additional verification concerning such information may be requested by the assessor. All information received by the assessor under subsection (a) of this section shall be subject to audit by the assessor or a designee of the assessor. Any person claiming to be aggrieved by the action of the assessor under this section may appeal the actions of the assessor to the board of assessment appeals and the Superior Court as otherwise provided in this chapter.

(d) (1) Any owner of such real property required to submit information to the assessor in accordance with subsection (a) of this section for any assessment year, who fails to submit such information as required under said subsection (a) or who submits information in incomplete or false form with intent to defraud, shall (A) for assessment years commencing prior to October 1, 2023, be subject to a penalty equal to a ten per cent increase in the assessed value of such property for such assessment year, and (B) for assessment years commencing on or after October 1, 2023, be subject to a penalty equal to a ten per cent increase in the assessed value of such property for such assessment year, which the assessor shall add by issuance of a certificate of correction for failure to file. Upon receipt of any such certificate of correction, the tax collector of the town shall apply the mill rate for the current fiscal year and, if such certificate of correction is received after the normal billing date, not later than thirty days after such receipt, mail or hand deliver a bill to such owner based on the addition of the penalty described in this subdivision. Such tax shall be due and payable and collectible as other

municipal taxes and subject to the same liens and processes of collection, provided such tax shall be due and payable in an initial or single installment due and payable not sooner than thirty days after the date prescribed by the tax collector and appearing on such bill, and in any remaining, regular installments, as such installments are due and payable, and the several installments of a tax so due and payable shall be equal.

(2) Notwithstanding the provisions of this subsection, an assessor or board of assessment appeals shall waive such penalty if the owner of the real property required to submit the information is not the owner of such property on the assessment date for the grand list to which such penalty is added. Such assessor or board may waive such penalty upon receipt of such information in any town in which the legislative body adopts an ordinance allowing for such a waiver.

(e) Any income and expense disclosure form described in subsection (a) of this section received by the assessor to which such form is due that is in an envelope bearing a postmark, as defined in section 1-2a, showing a date within the allowed filing period, shall not be deemed delinquent.

(P.A. 84-520, S. 1, 2; P.A. 85-613, S. 27, 154; P.A. 87-94, S. 1, 2; P.A. 95-283, S. 36, 68; P.A. 97-254, S. 3, 6; P.A. 00-215, S. 2, 11; P.A. 09-196, S. 3; P.A. 10-152, S. 2; P.A. 23-152, S. 1.)

History: P.A. 84-520 effective June 11, 1984, and applicable to the assessment year in any town commencing October 1, 1985, and each assessment year thereafter; P.A. 85-613 made technical changes; P.A. 87-94 amended Subsec. (a) to provide that income and expense information related to rental income real property be submitted to the assessor not later than the first day of June in any assessment year in lieu of the first day of November in such assessment year as provided prior to this amendment, effective April 28, 1987, and applicable to the assessment list of October 1, 1987, in any municipality and each assessment list thereafter; P.A. 95-283 amended Subsec. (c) to replace board of tax review with board of assessment appeals, effective July 6, 1995; P.A. 97-254 amended Subsec. (b) to remove three-year limit for request of income and expense data, effective June 27, 1997; P.A. 00-215 amended Subsec. (a) to require that the assessor provide forms under this section, effective June 1, 2000, and applicable to assessment years commencing on and after October 1, 2000; P.A. 09-196 amended Subsec. (a) by deleting provision re making information available to assessor, requiring assessor to provide form for submission of information not later than 45 days before June first, authorizing required submission of information whether or not town is conducting revaluation, providing that assessor may grant extension to file information and making a technical change, amended Subsec. (c) by subjecting information received by assessor under Subsec. (a) to audit by assessor or designee, and amended Subsec. (d) by replacing “penalty assessment” with “penalty” and adding provisions allowing

assessor or board of assessment appeals to waive a penalty, effective October 1, 2009, and applicable to assessment years commencing on or after October 1, 2009; P.A. 10-152 made technical changes; P.A. 23-152 amended Subsec. (a) by substituting “to not later than the first day of July” for “of not more than thirty days” re extension period and changing deadline for filing of request for extension from May 1 to June 1, amended Subsec. (d) by designating existing provisions re penalty for failure to submit information or submitting incomplete or false information as Subdiv. (1), adding Subdiv. (1)(A) specifying that said existing provisions are applicable to assessment years commencing prior to October 1, 2023, adding Subdiv. (1)(B) re penalty for failure to submit information or submission of incomplete or false information applicable to assessment years commencing on or after October 1, 2023, and designating existing provisions re waiver of penalty as Subdiv. (2), added Subsec. (e) re postmarked envelopes and made technical changes, effective July 1, 2023.

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**TOWN OF EAST LYME
ASSESSOR'S OFFICE**

**2023
ANNUAL INCOME AND
EXPENSE REPORT**

RETURN TO:

Assessor's Office
Town of East Lyme
PO Box 519
Niantic, CT 06357-0519
Tel (860) 739-6931

April 1st, 2024

Dear Property Owner:

The Assessor's Office is preparing for the **2026** revaluation of all real property located in East Lyme. In order to fairly assess your real property, information regarding the property income and expenses are required. Connecticut General Statute 12-63c requires all owners of rental real property to **annually** file this report. The information filed and furnished with this report will remain confidential in accordance with SS 12-63c(b), which provides that actual rental and operating expenses shall **not** be a public record and is **not** subject to the provisions of SS1-210 (Freedom of Information) of the Connecticut General Statutes.

Please complete, sign and return the completed form to the East Lyme Assessor's Office **on or before June 3, 2026**. In accordance with Section 12-63c(d), of the Connecticut General Statutes, as amended, any owner of income-producing real property who fails to file this form, or files incomplete or false information with intent to defraud, shall be subject to a penalty assessment representing a ten percent (10%) increase in the assessed value of such property.

WHO SHOULD FILE All individuals and businesses receiving this form should complete and return this form to the Assessor's Office. All properties, which are rented or leased, including commercial, retail, industrial and residential properties (except – "such property used for residential purposes, containing not more than six (6) dwelling units **and in which the owner resides**") must complete this form. If the property is partially rented and partially owner-occupied this report must be filed. If you believe that you are not required to fill out this form, please call the number listed above to discuss your special situation.

If your property is 100% owner-occupied, or 100% leased to a related corporation, business, family member or other related entity, please indicate by checking the following box.

**Please complete and return to the Assessor's Office
on or before June 3, 2026**

**Town of East Lyme
Assessor's Office
Hotel and Motel Properties
Income and Expense Survey for Calendar Year 2023_**

Information provided is CONFIDENTIAL, in accordance with Connecticut Law.

Property Name (if applicable) _____

Property Address _____

Form Preparer/Position _____

Telephone Number _____

General Data

Number of Available Rooms _____

Room Configuration (number of rooms in each category) / Rates		
	<u># Units</u>	<u>Rent/day/unit</u>
Single		<u>Rent/week/unit</u>
Double		
King		
Suite		
Other		

Annual Occupancy _____

Annual Average Daily Rate (ADR) \$ _____

Segmentation of Annual Occupancy					
	<u>Transient</u>	<u>Corporate</u>	<u>Group</u>	<u>Other</u>	<u>Total</u>
Percentage of Annual Occupancy					100 %
ADR for Segment					

Annual Department Revenue:

Rooms \$ _____

Conference Facilities \$ _____

Food and Beverage \$ _____

Telephone \$ _____

Minor Operated Departments \$ _____

Miscellaneous Rentals and Other Income \$ _____

Total Annual Revenue \$ _____ (1)

(Hotel and Motel Cont'd)

2 Annual Costs and Expenses:

Heating/Air Conditioning	\$ _____	
Telephone	\$ _____	
Electricity	\$ _____	
Cable	\$ _____	
Food and Beverage	\$ _____	
Supplies	\$ _____	
Maintenance	\$ _____	
Leased Equipment	\$ _____	
Marketing (advertising)	\$ _____	
Insurance	\$ _____	
Security	\$ _____	
Legal and Accounting	\$ _____	
Payroll (except management, repair & decorating)	\$ _____	
Other (specify) _____	\$ _____	
Other (specify) _____	\$ _____	
Other (specify) _____	\$ _____	
Total Operating Expenses	\$ _____	(2)
Gross Operating Profit (1 – 2)	\$ _____	(3)
Management Fees	\$ _____	(4)

Fixed Operating Charges:

Real Estate Taxes	\$ _____	
Personal Property Taxes	\$ _____	
Property Insurance	\$ _____	
Reserve for Capital Replacement	\$ _____	
Total Fixed Charges	\$ _____	(5)

Income Before Other Fixed Charges¹ (3 – 4 – 5) \$ _____

Total Number of Room Nights Available in 2023 _____

Total Number of Room Nights Sold in 2023 _____

Comments or Additional Information (may be attached):

_____/_____
 Signature/Position Date

¹ Income before deducting Depreciation, Rent, Interest, Amortization and Income Taxes.

Sec. 12-41. Filing of declaration. (a) **Definitions.** “Municipality”, whenever used in this section, includes each town, consolidated town and city, and consolidated town and borough.

(b) **Motor Vehicles.** (1) For assessment years commencing prior to October 1, 2024, no person required by law to file an annual declaration of personal property shall include in such declaration motor vehicles that are registered in the office of the state Commissioner of Motor Vehicles. With respect to any vehicle subject to taxation in a town other than the town in which such vehicle is registered, pursuant to section 12-71, information concerning such vehicle may be included in a declaration filed pursuant to this section or section 12-43, or on a report filed pursuant to section 12-57a.

(2) For assessment years commencing on or after October 1, 2024, any person required to file an annual declaration of tangible personal property shall include in such declaration the motor vehicle listing, pursuant to subdivision (2) of subsection (f) of section 12-71, of any motor vehicle owned by such person. If, after the annual deadline for filing a declaration, a motor vehicle is deemed personal property by the assessor, such motor vehicle shall be added to the declaration of the owner of such vehicle or included on a new declaration if no declaration was submitted in the prior year. The value of the motor vehicle shall be determined pursuant to section 12-63. If applicable, the value of the motor vehicle for the current assessment year shall be prorated pursuant to section 12-71b, and shall not be considered omitted property, as defined in section 12-53, or subject to a penalty pursuant to subsection (f) of this section.

(c) **Property included. Confidentiality of commercial and financial information.** The annual declaration of the tangible personal property owned by such person on the assessment date, shall include, but is not limited to, the following property: Machinery used in mills and factories, cables, wires, poles, underground mains, conduits, pipes and other fixtures of water, gas, electric and heating companies, leasehold improvements classified as other than real property and furniture and fixtures of stores, offices, hotels, restaurants, taverns, halls, factories and manufacturers. Tangible personal property does not include a sign placed on a property indicating that the property is for sale or lease. On and after October 1, 2024, tangible personal property shall include motor vehicles listed on the schedule of motor vehicle plate classes recommended pursuant to section 12-71d. Commercial or financial information in any declaration filed under this section, except for commercial or financial information which concerns motor vehicles, shall not be open for public inspection but may be disclosed to municipal officers for tax collection purposes.

(d) **Form.** For assessment years commencing on or after October 1, 2024, the Office of Policy and Management shall, in consultation with the Connecticut Association of Assessing Officers, prescribe a form for the annual declaration of personal property.

(e) **Electronic filing.** Any person required by law to file an annual declaration of personal property may sign and file such declaration electronically, provided the municipality in which such declaration is to be filed (1) has the technological ability to accept electronic signatures, and (2) agrees to accept electronic signatures for annual declarations of personal property.

(f) **Penalty.** (1) Any person who fails to file a declaration of personal property on or before the first day of November, or on or before the extended filing date as granted by the assessor pursuant to section 12-42 shall be subject to a penalty equal to twenty-five per cent of the assessment of such property; (2) any person who files a declaration of personal property in a timely manner, but has omitted property, as defined in section 12-53, shall be subject to a penalty equal to twenty-five per cent of the assessment of such omitted property. The penalty shall be added to the grand list by the assessor of the town in which such property is taxable; and (3) any declaration received by the municipality to which it is due that is in an envelope bearing a postmark, as defined in section 1-2a, showing a date within the allowed filing period shall not be deemed to be delinquent.

(1949 Rev., S. 1719; 1951, S. 1037d; 1957, P.A. 13, S. 68; 1961, P.A. 517, S. 127; February, 1965, P.A. 461, S. 2; P.A. 77-614, S. 139, 610; P.A. 79-610, S. 3, 47; P.A. 83-485, S. 11, 13; P.A. 87-245, S. 1, 10; P.A. 99-189, S. 2, 20; P.A. 04-228, S. 1; P.A. 08-130, S. 2; P.A. 11-69, S. 1; P.A. 13-276, S. 3; May Sp. Sess. P.A. 16-3, S. 203; P.A. 22-118, S. 501; P.A. 23-204, S. 213.)

History: 1961 act stated that real estate need not be included in lists in Subsec. (d) and rearranged subsections; 1965 act amended Subsec. (e) to combine elements of two separate provisions re goods on hand of merchants and traders and re goods on hand re manufacturers into one provision for both and to include reference to mechanical business; P.A. 77-614 substituted commissioner of revenue services for tax commissioner, effective January 1, 1979; P.A. 79-610 substituted secretary of the office of policy and management for commissioner of revenue services, effective July 1, 1980; P.A. 83-485 amended Subsec. (d) by providing that any assessor's office utilizing data processing or computer equipment for such real estate records or information shall be deemed to be in compliance with requirements in Subsec. (d), subject to provisions concerning duplicate records and capability of transfer to printed form, effective June 30, 1983, and applicable in any town to the assessment year commencing October 1, 1983, and each assessment year thereafter; P.A. 87-245 amended Subsec. (f) to increase penalty from 10% to 25%, effective June 1, 1987, and applicable to assessment years of municipalities commencing on or after October 1, 1987; (Revisor's note: In 1997 the term "state Motor Vehicle Commissioner" in Subsec. (b) was replaced editorially by the Revisors with "Commissioner of Motor Vehicles" for consistency with customary statutory usage); P.A. 99-189 replaced list with declaration, deleted obsolete provisions, added leasehold improvements classified as other than real property, added new Subsec. (d) re 25% penalty and deleted provision requiring Office of Policy and Management approval, effective June 23, 1999, and applicable to assessment years of municipalities commencing on or after October 1, 1999; P.A. 04-228 amended Subsec. (b) to add provision re vehicle subject to taxation in town other than the one in which it is registered, effective June 8, 2004; P.A. 08-130 amended Subsec. (d) by adding Subdiv. (3) re declaration postmarked within allowed filing period not deemed delinquent, effective June 5, 2008, and applicable to annual declarations due on or after November 1, 2008; P.A. 11-69 made a technical change in Subsec. (b), added new Subsec. (d) re filing annual declaration electronically and redesignated existing Subsec. (d) as Subsec. (e), effective October 1, 2011, and applicable to assessment years commencing on or after that date; P.A. 13-276 amended Subsec. (c) by adding provision re disclosure of commercial or financial information in a declaration to municipal officers for tax collection purposes; May Sp. Sess. P.A. 16-3 amended Subsec. (c) by adding "Tangible personal property does not include a sign placed on a property indicating that the property is for sale or lease", effective July 1, 2016; P.A. 22-41 amended Subsec. (b) by designating existing provisions re annual declaration of personal property as Subdiv. (1), specifying that Subdiv. (1) is applicable to assessment years commencing prior to

October 1, 2023, and adding Subdiv. (2) re requirements re annual declaration of tangible personal property applicable for assessment years commencing on or after October 1, 2023, amended Subsec. (c) by specifying that on and after October 1, 2023, tangible personal property includes motor vehicles listed on the schedule of motor vehicle plate classes, and adding exception for commercial or financial information concerning motor vehicles to prohibition on public inspection of commercial or financial information in filed declarations, added new Subsec. (d) re form for annual declaration of personal property and redesignated existing Subsecs. (d) and (e) as Subsecs. (e) and (f), amended new Subsec. (e) by removing requirement that assessor of municipality provide form for annual declaration of personal property, adding “in which such declaration is to be filed”, and making a technical change, effective July 1, 2022, and applicable to assessment years commencing on or after October 1, 2023; P.A. 23-204 amended Subsecs. (b) and (d) by substituting “October 1, 2024” for “October 1, 2023” re applicable assessment years and Subsec. (c) by substituting “October 1, 2024” for “October 1, 2023” re inclusion of motor vehicles as tangible personal property, effective July 1, 2023, and applicable to assessment years commencing on or after October 1, 2024.

Exhibit 9—E.L. Assessor's Memo to STR Committee 1/29/24

From: dvitagliano@eltownhall.com

Mon, Jan 29 at 5:02 PM

To Commission members: If property owners are renting their houses out as a short-term rental, then they are engaged in business activity in town and are required to file a personal property declaration with the Assessor's Office by November 1. All furnishings supplied to rent the house would be taxable, such as the furniture, linens, dishes etc. If there is a registration process the information should be provided to the Assessor's office so that we can properly add them to the tax rolls.

Diane Vitagliano, CCMA II, MBA | Assessor
Town of East Lyme
108 Pennsylvania Avenue
Niantic, CT 06357



Short-Term Rental Regulation in Connecticut

Originally Prepared by Justin LaFountain, AICP, CZEO, Planner II, September, 2019; December, 2021. Updated by Jennifer Lindo, AZT, Municipal Land Use Specialist and James S. Butler, AICP, Senior Advisor, October, 2023.

Introduction

Short-term rentals, known colloquially by their operator names such as ‘Airbnbs’ and ‘VRBOs,’ have become a significant segment of the travel market. Over the past seven years, Connecticut has seen a significant increase in the number of hosts of short-term rentals. While short-term rentals have proven increasingly popular with the travelling public, this short-term occupancy of a dwelling unit has proven to be a challenge to the cities and towns in which they are located. Municipalities are grappling with regulation, registration, monitoring, and enforcement issues to protect the public interest, health and safety, while considering whether to provide property owners the ability to operate what are essentially businesses typically located in residential neighborhoods.

Short-term rentals are commonly defined as rentals for thirty days or less. This popular form of travel accommodation started as home-sharing, where a host welcomes a guest to rent a room or spare area of their home and has now evolved into full house rentals without the homeowner being present. The first form of stay may be more appropriate in a residential neighborhood, where the property owner, or host, is likely invested in the well-being of the neighborhood and community; it also supplements the incomes of owner occupants and maintains the single-family dwelling market. The second form of stay, where the property is leased short-term without an owner/operator on-site, can be worrisome to neighbors who are impacted by the transient nature of the visitors, and who may feel that short-term rentals erode the quality of life in their neighborhood.

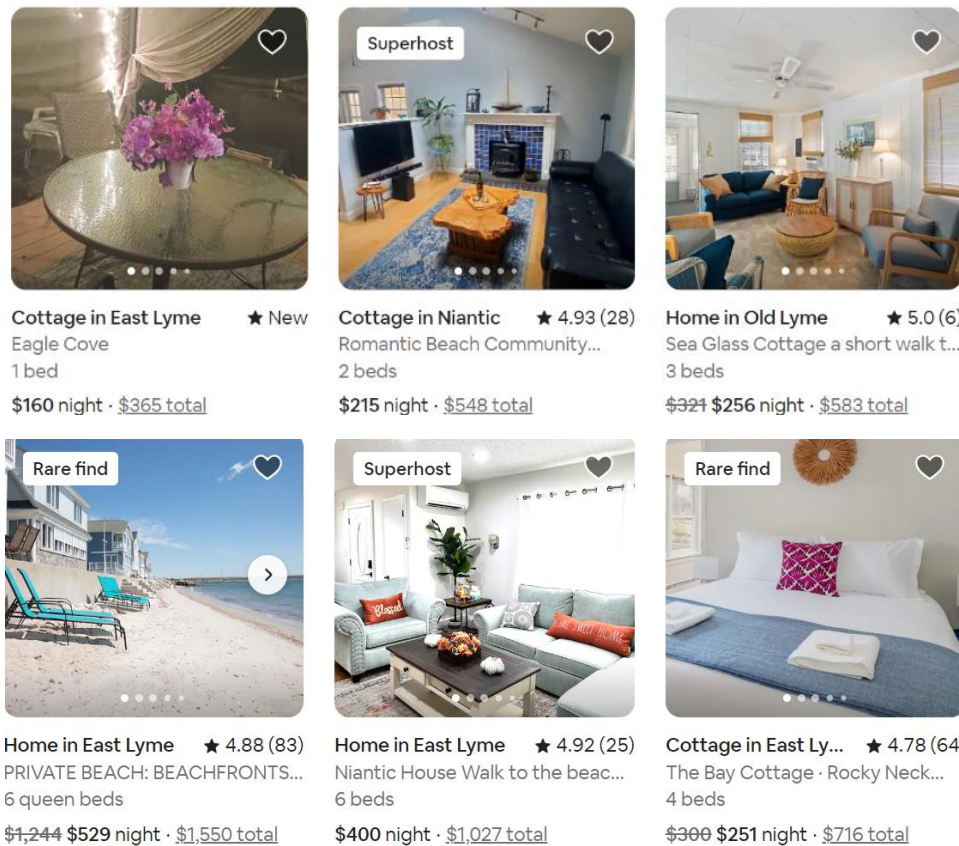
Challenges Associated with Short-Term Rentals

Municipalities face a number of challenges associated with the presence of short-term rentals within their boundaries. Local governments and residents are often concerned that the character of residential neighborhoods will change dramatically with the spread of short-term rentals, due to an increase in traffic and parking issues. Noise concerns are also common, as neighbors can become anxious that short-term rentals will turn into party houses. Residents may fear that a proliferation of short-term rentals in the area will shift a neighborhood from one in which owner occupants have a vested interest in the community where they reside, and in building equity in their homes, to one in which investors’ main concern is in generating income.

Safety aspects of short-term rentals are an increasing issue and concern for municipal officials, as the number of guests staying in a single-family dwelling can far exceed the legal limit defined in zoning and building codes. There are concerns that short-term rentals may not be safe for visitors if the renters are

crowded into homes that would not otherwise be suitable for overnight habitation by a large number of people, especially since they lack the safety features required of hotels and motels and are not regularly inspected. Requirements for compliance with municipal regulations, occupancy limits, and the need for inspections by local officials (building, health, fire) are all being considered by municipalities in addressing short-term rentals. Occupants of short-term rentals should have a reasonable expectation of safety and cleanliness as they would in a hotel; however, without any local regulation they must rely solely on the owner/host of the short-term rental to ensure safe and sanitary conditions of the unit in which they are staying.

Another challenge to municipalities posed by short-term rentals is their impact on the local housing stock. The conversion of owner occupied and long-term rental housing to short-term rentals reduces the number of available housing units in a community for permanent residents, potentially worsening existing affordability issues. To address this, municipalities across the United States and in Connecticut have created/are creating various policies, regulations, and ordinances regarding short-term rentals.



A search for short term rentals in and around East Lyme, CT reveals numerous houses, apartments, and other accommodations, shown in this Airbnb.com screenshot. Taken on September 6, 2023.

Benefits of Short-Term Rentals

The regulation of short-term rentals must be weighed against the demand for this type of vacation accommodation and the desire by property owners to benefit from the revenue that can be derived from short-term rentals. Despite the long list of concerns cited above, short-term rentals can provide economic benefits to communities, especially if there are controls in place to mitigate their potential negative impacts. By permitting short-term rentals, communities that have little traditional lodging can open themselves up to tourism spending that would not otherwise be available. Municipalities with traditional lodging options might stand to gain from visitors who are looking for more personalized travel experiences. Homeowners who host short-term renters can supplement their income and consequently be in a better position to pay their property taxes and maintain and improve their home.

Industry and State Regulations

In the past, short-term rentals were largely unregulated by their parent companies, which relied on hosts to self-certify their compliance with any local regulation. In 2020, Airbnb created rules which banned party houses, defined as homes being rented by more than 16 people. In 2021, Airbnb and VRBO partnered to create the “Community Integrity Program,” with the further intent of eliminating party houses by sharing information regarding problem rentals with competing rental sites.

The State of Connecticut currently has no legislation in place regulating short-term rentals, other than charging a room occupancy tax rate of 15%. This tax was first applied to short-term rentals in 2019 with the enactment of PA 19-117, which requires short-term rental facilitators (e.g., VRBO) to collect and remit room occupancy taxes on the short-term rentals they facilitate in the state. In recent years, short-term rentals have been the subject of several bills introduced in Connecticut’s legislature, none of which have been passed into law. Three bills were introduced during the 2023 legislation session which would have granted municipalities certain authority concerning short-term rentals. Proposed S.B. 199 would have allowed municipalities to impose a two percent occupancy tax on short-term rentals; Proposed S.B. 517 would have permitted municipalities to hire consultants to license and regulate short-term rentals; and Substitute for Raised S.B. 1137 defined what a short-term rental property was and would have allowed the levying of a tax and the engagement of consultants to assist municipalities in the development of ordinances and regulations of short-term rental properties. Collectively, these bills would have addressed concerns over municipalities’ financial and staff capacities to regulate short-term rentals and monitor enforcement.

Options for Local Regulation

Without a unifying state regulatory framework, it continues to be up to individual municipalities in Connecticut to decide if and how to regulate short-term rentals. Municipalities can and should tailor short-term rental regulations to their own unique community needs. There are three approaches available to

Connecticut municipalities: (1) regulate through zoning regulations; (2) regulate through a municipal ordinance; or (3) maintain status quo (do nothing).

Zoning

Regulation of short-term rentals through zoning regulations can establish a process for local staff or a Planning and Zoning Commission to review plans to ensure neighborhood concerns are addressed. Approvals through zoning run with the property, as opposed to the owner, and are valid unless and until the permitted use is expressly discontinued by the property owner. A distinct disadvantage of regulating short-term regulations by zoning is that zoning regulations are enforced by Zoning Enforcement Officers, who typically work a Monday through Friday daytime schedule and are not available at night and on weekends, when most noise and parking complaints occur.

Municipal Ordinance

Some municipalities have chosen to or are contemplating controlling short-term rentals by municipal ordinance. Municipal ordinances have advantages over zoning regulations in that complaints are addressed by law enforcement who are available on nights and weekends. Additionally, ordinances can require periodic license renewals and new licenses for subsequent property owners along with annual life-safety inspections, as well as requiring a fee, which provides revenue to the municipality that can support the costs of enforcement. However, a municipal ordinance does not provide for site plan approval by the Planning and Zoning Commission, and as discussed further below, at least one Connecticut attorney has recently called into question whether municipalities have the authority to establish a short-term rental licensure program via ordinance.

Maintaining the Status Quo

Some municipalities which currently lack specific zoning regulations or ordinance language addressing short-term rentals may choose to make no changes to their existing regulatory frameworks. Some towns may consider short-term rentals equivalent to Bed & Breakfasts or boarding houses, or as hotels if they are located in commercial zones. Still other municipalities have taken the position that short-term rentals are prohibited, if they are not expressly permitted in their zoning regulations. In 2022 the first court case in Connecticut challenging that position, *Wihbey v. Zoning Board of Appeals*, reached the Connecticut Appellate Court, which found in favor of the property owner. This case is further described below. Additionally, although some municipalities might choose to not address the regulation of short-term rentals, they may eventually find that the increasing proliferation of them in their community will call for regulations specific to their use.

Local Regulations in Southeastern Connecticut

A spring 2023 survey of municipalities, conducted by SCCOG, showed that local municipalities are beginning to address the control of short-term rentals, as presented in the following table. The response to the first question “Does your municipality allow STRs?” indicates how the municipality views the legality of short-term rentals (regardless of their adoption of zoning regulations or an ordinance); the second/third question “Does your municipality regulate STRs; if yes how?” shows which municipalities in the region have taken action to address the impacts of short-term rentals.

Municipality	Does municipality allow STRs?	Does municipality regulate STRs?	If yes, how?
Bozrah	Yes	Yes	Town Ordinance
Colchester	No	No	
East Lyme	No	No	Committee appointed 8/23 by BOS to study
Franklin	No	No	
Griswold	No	No	
Groton City	Yes	No	
Groton Town	Yes	No	Town Ordinance/Zoning Regulation being considered
Jewett City	No Response		
Lebanon	No	No	
Ledyard	Yes	Yes	Zoning Regulation (<i>Note: The P&Z Commission rescinded STR Regulations in September 2023</i>)
Lisbon	Yes	Yes	Zoning Regulation (B&B)
Montville	Yes	No	
New London	Yes	No	
No. Stonington	Yes	No	
Norwich	No	No	City Ordinance considered, not enacted
Preston	Yes	Yes	Zoning Regulation
Salem	No	No	
Sprague	No	No	
Stonington Borough	Yes	No	Zoning Regulation being considered
Town of Stonington	No	No	Town Ordinance defeated 3/23
Waterford	No	No	Beginning public outreach
Windham	No Response		

Considerations for Regulation and Enforcement

Municipal Authority to Regulate

This survey of southeastern Connecticut municipalities makes it apparent that questions remain about how best to control short-term rentals and would indicate that more State guidance and legislation might assist municipalities toward this end. Two questions that have recently surfaced in southeastern Connecticut municipalities considering short-term regulatory options are:

- 1) Can municipalities regulate short-term rentals by ordinance?
- 2) May municipalities delegate the administration and enforcement of short-term rentals to an outside third party?

As noted in the table above, voters in the Town of Stonington defeated a proposed ordinance regulating short-term rentals in March 2023. In a letter dated January 6, 2023, Attorney Timothy S. Hollister, representing a property owner opposed to the proposed ordinance, wrote: “A principal issue with the proposed ordinance is that the Town of Stonington does not have statutory authority to regulate renting of residential property based on the length of stay of the renters. In general, municipalities in Connecticut have only those powers expressly delegated by the General Assembly and those powers necessarily implied from an express delegation.” Attorney Hollister went on to state that control over property use is reserved in the Connecticut General Statutes to the Planning and Zoning Commission. “Any ordinance that seeks to impose a limit on existing, established land uses will potentially infringe on “vested” property rights in general and nonconforming use rights in particular, and thus can be regulated only through land use powers. And notably, General Statutes §8-2, the Zoning Enabling Act, also does not permit regulation of short-term rentals.” Attorney Hollister’s opinion has not been tested in court.

A second legal question was raised in Norwich, where an attempt to pass an ordinance for short-term rentals lost momentum due to the conflicting statutory requirements that prevent the hiring of a consultant or private organization to enforce and register short-term rentals. With a zoning enforcement staff of one person, there was concern that the Zoning Enforcement Officer would be unable to manage the workload associated with trying to license/register, permit, and regulate all short-term rentals, so the City hoped to outsource this work to a consultant. However, the Norwich City Attorney held that the ability to delegate this activity to a third party is not allowed in Connecticut.

In addition to the two local instances where the legality of regulating short-term rentals has been questioned, a case concerning the regulation of this type of use was heard by a Connecticut Appellate Court for the first time in October, 2022. In *Wihbey v. Zoning Board of Appeals (AC 45283)*, the defendants (which included Branford’s Pine Orchard Association Zoning Board of Appeals), appealed the decision of the trial court reversing the decision of the ZBA in upholding the issuance of Zoning Enforcement Officer’s order to plaintiff Frances Wihbey to cease and desist from using his property in the Pine Orchard section of Branford for short-term rentals. The defendants argued that the court improperly found that the plaintiff’s use of the property was lawful under the Association’s 1994 Zoning Regulations (the regulations in effect at the time he purchased the property and began using it as a short-term rental in 2005) because the court found that a single family house used for rental purposes was consistent with the definition of single-family dwelling, and was therefore a protected nonconforming use. The Appellate Court largely

agreed with the trial court, and in their opinion released on March 28, 2023, found that the trial court was correct in determining that short-term rentals were permitted in the Association's 1994 regulations, noting that the 1994 zoning regulations recognized the renting of property as a permissible use of residential property, and "did not clearly impose a minimum temporal occupancy requirement for use of a single-family dwelling."

Legal issues like these, along with differing public opinion concerning the desirability of short-term rentals, currently complicate the issue of how to best regulate short-term rentals. Only a small number of municipalities outside of southeastern Connecticut have passed specific short-term rental regulations, including Greenwich, Hartford, and Lyme (all via zoning), and Simsbury (via ordinance).

Additional Issues

In addition to the legal questions raised above, there are a number of issues that municipalities must take into consideration when pursuing the control of short-term rentals. In writing regulations or ordinances to control short-term rentals, municipalities must make clear the intention or goal of the law; whether it is to prohibit short-term rentals, or to regulate them to provide for a safe and inoffensive operation. Enforcement considerations include where short-term rentals are permitted; parking requirements; noise and use restrictions; the prohibition of certain events; buffer requirements; occupancy limit (# of bedrooms); cap on number of short-term rentals in the municipality; time period approval is valid for and requirements for renewal; primary point of contact and requirements for response to complaints; location of trash receptacles; type of dwelling (i.e. allowed in single family dwelling but not multi-family, condo, apartment); prohibition of unaccompanied minors; provision of advertising and rental agreements; required inspections by Building Official, Fire Marshal, Health Department; etc.

Ordinances typically require registration with the municipality and the provision of an accompanying fee, and identification of a contact person who can address issues quickly. This type of control allows for revocation of any permit issued if the short-term rental is non-compliant. Zoning regulations may require the submission of a site plan for the property and make short-term rentals subject to a zoning permit or special exception, which might include conditions for the short-term rental to operate.

Whatever approach a municipality takes in regulating short-term rentals, and whatever impacts are proposed to be addressed, experience in southeastern Connecticut municipalities suggests that to be successful, broad public outreach and engagement is critical in seeing the regulation of short-term rentals through to adoption. Based on what was learned in the Town of Stonington and the City of Norwich, municipalities contemplating the control of short-term rentals would also be wise to consult with their legal counsel early in the process.

Local Short-Term Rental Permit Comparisons

Town	Permit Application Requirements	Inspections	Fees	Occupancy	Restrictions	Enforcement
Bozrah	1 permit for individual, party, or entity	Fire/Safety	\$200	Set by STR Officer	21 Days or less	Ordinance
	No banquets, fundraisers, events	STR Officer		5 unrelated guests	No on-street parking	STR Officer
	No receptions, parties, concerts			Immediate Family	Information Packet	
Ledyard	1 permit for individual, party, or entity	Fire/Safety	\$150 (new)	2 per bedroom	2-hour response time	'22 Ordinance
	Photo of the home from street front	Water Testing	\$100 (r)	Kids <12 pass	Information Packet	'24 Zoning Regs
	Site plan and floor plan of property			No minor rentals		STR Officer
	No business events, parties, concerts,					
Lyme	Host must be present at STR	Health	\$25	3 guest bedrooms	30 days or less	Zoning Regs.
	No events of any kind allowed	Safety (optional)	\$60 state	6 or fewer guests	No street parking	Zoning Officer
	No amplified music or loudspeakers	Owner Declares	\$300 special	Special for more	Also applies to B&B	
	STR is owner's primary residence					
Preston	Planning & Zoning Approval	Building	\$200 (new)	6 bedrooms max	3 weeks over 3 months	Zoning Regs.
	Floor plan layout with bedrooms/beds	Fire/Safety	\$60 state	Zoning Board	No on-street parking	Zoning Officer
	Plot plan for septic, trash, parking	Safety (optional)	\$100 (r)		2 bedrooms =1 parking	
	Notification to neighbors					
	Guest registry maintained					
	Legal notice published in newspaper					
	There shall be no outdoor events					
Simsbury	Signed affidavit of rules compliance	Safety	\$200 (new)	6 persons, or	100 days annual rents	Ordinance
	Notification to neighbors		\$130 (r)	2 per bedroom	No sleeping outdoors	Planning
	No indoor or outdoor events			whichever is less	Rental is partial of unit	
	Permit valid for two years			Planning Dept.	1 permit per property	
	Rental services used to advertise					



Local News

Wednesday, April 24, 2024

Montville says it will not discuss short-term rentals after Preston moratorium



December 04, 2023 6:25 pm • Last Updated: December 04, 2023 7:44 pm

By **Daniel Drainville**
Day Staff Writer

[✉ d.drainville@theday.com](mailto:d.drainville@theday.com)

Montville — The town’s land use and development director said Monday the Planning and Zoning Commission has no immediate plans to draft regulations on short-term rentals — such as Airbnbs and VRBOs — after its Preston counterpart decided last week to ban them for six months.

Montville’s commission, which was notified Oct. 31 about the Preston moratorium, has had “some discussion about short-term rentals, but there hasn’t been any rush to write regulations,” Liz Burdick said.

After Preston received an influx of applications for short-term rentals, its Planning and Zoning Commission held a public hearing last week on a six-month moratorium. Afterward, members **voted to approve the moratorium**, which goes into effect Dec. 15, giving the commission time to discuss drafting permanent regulations.

Preston officials **had shared concerns** over short-term rentals’ potential impact on the housing market, the safety of transients who occupy them and the rentals’ potential negative effect on the character of surrounding neighborhoods.

Burdick notified the Montville commission last month that Preston’s moratorium would have “no negative intermunicipal impact” on Montville, and emailed the determination to Preston’s commission.

In the last couple of years, Montville’s commission has discussed the rentals, which Burdick said have not been problematic. The town has yet to receive any complaints about them.

Meanwhile, short-term rentals are permitted by the town’s zoning regulations, but are designated as bed and breakfasts rather than single-family dwellings, Burdick said. Owners must apply for a bed and breakfast owner’s occupation permit before hosting renters, she added.

The 2023 regulations define a bed and breakfast as a place that offers overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation, but can also include Airbnbs.

As a bed and breakfast, properties rented to transients must have the property owner remain on-site throughout their stay.

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READER COMMENTS

William Peter December 5, 2023 at 09:15

Report

Folks are turning to non traditional ways of offsetting the outrageous cost of living. Jack up my property taxes, you better believe my camper will be listed on VRBO for any properly vetted vacationer who is looking for quiet accommodations for their next casino trip

Samuel P December 5, 2023 at 06:34

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DEF**

Confusing...so STR's are allowed but are regulated under the same rules as Bed and Breakfasts? If that is the case then I know for a fact there are STR's in town not being run as a Bed and Breakfast. Am I missing something or is the information being shared not accurate?

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Local News

Wednesday, April 24, 2024

Noank prepares to enforce prohibition on short-term rentals



September 12, 2021 12:00 am • Last Updated: September 13, 2021 8:36 pm

By **Erica Moser**
Day Staff Writer

e.moser@theday.com

Groton — After more than two years of deliberations on two proposed ordinances to regulate short-term rentals, the Noank Zoning Commission has decided to instead direct the zoning enforcement officer to enforce the current prohibition on rentals such as those through Airbnb and Vrbo.

Chairman Rick Smith has noted that any use not explicitly allowed in the zoning regulations is prohibited, but the prohibition hasn't been enforced.

"We exhaustively turned over every rock and explored every possible way of doing this for over two years, and we've come to the conclusion that it's not in the best interest of Noank to change our rules to let short-term renting occur," Smith said.

At a meeting on Aug. 26, the commission voted 5-0 to leave the Noank Zoning Ordinance as is, meaning short-term rentals remain a non-authorized use, and then 5-0 to end the deferral of enforcement.

"The way we've been working at this for two and a half years is to craft something out for this group, but that's not really how we're supposed to regulate," member Beth Steele said. "We're not supposed to regulate for a target audience; we're supposed to regulate for the village as a whole."

Smith first pushed for allowing hosted renting, meaning the owner is living at the property during rentals. He called this "functionally a residential use of a residential property," whereas non-hosted renting is "running a hotel with no supervision on your private, residential property."

Steele said both hosted and non-hosted rentals are a commercial use, and commission member Nip Tanner said going down the path Smith suggested "would turn into a can of worms."

Smith ultimately ended up voting with the group, "partly because I've been persuaded and partly because I like unanimous votes on very contentious subjects."

How will this be enforced?

The day after the meeting, Smith notified the commission's email list of the two votes and said, "It is expected that this enforcement effort will be progressively applied, using the methods available by statute for Zoning Enforcement Officers to enforce a municipality's ordinances."

Some residents were confused by what "progressively applied" meant.

Smith told The Day on Friday that it will be up to the ZEO and attorney, respectively Bill Mulholland and John Casey, to determine the process for enforcement. Asked about his advice for short-term rental operators in the meantime, he said if it were him, he wouldn't take any more bookings.

But he said "enforcement will not be instantaneous. It will be a process that gives people their right to have it communicated to them." He didn't have a timeline to begin enforcement.

Mulholland, who also serves as zoning official in Groton, said he will be developing and then enforcing the ordinance. He said there will be notice given to operators before they are required to

"It's sort of a work in progress right now," Mul

While the commission has now scrapped a 2019 draft and a 2021 draft ordinance regulating short-term rentals, Smith doesn't think the past two years were a waste of time, or that the commission could've come to its conclusion in six months or a year.

"We'll get criticized from people who are unhappy with the decision," Smith said, "but we can't be criticized for lack of effort and a lack of being conscientious about trying to find a pathway forward that could satisfy all sides. In fact, we couldn't find that, and that's unfortunate."

Noankers react

Wayne Burdick said he was disappointed by the decision but has modified his VRBO listing to be a 30-night minimum.

"Whether it is somebody for a week or four weeks, it is still going to be the same sort of families showing up, but we will comply with the law," Burdick said.

The proposed regulations had defined a short-term rental as less than 30 days. Asked Friday if Noank residents could rent their property for 30 days or more to the same party, Mulholland said this is "under discussion with legal."

Burdick, who lives in South Carolina and said he spends about half the summer in Noank, said short-term rentals help defray the more than \$40,000 a year in taxes, insurance and maintenance on the home, which has been in the family for five generations.

Fellow short-term rental operator Amy Kirschner feels the commission threw out the work it had done for two years to try to compromise and instead said, "'You can't do this,' in a way that leaves complete ambiguity."

Kirschner called the commission's action a "come-sue-me way of dealing with this process" but declined to say whether she would pursue legal action.

The commission is "picking one thing that's not regulated and saying it's illegal. What else that's not listed in the regulations is illegal?" Kirschner questioned. She asked whether it would be illegal to put up a reindeer at Christmastime, or a Hannukah menorah, or a religious totem pole. In response, Smith said he would let the commission's vote speak for itself, and that trying to parse hypotheticals is "just running down a rabbit hole."

Ben Greenfield, who stressed that he wants to be a good neighbor, said he now will be marketing the unit he had on Airbnb as a long-term rental, as he used to do. He said doing short-term rentals helped him a lot during the pandemic, and he called the new approach draconian.

Greenfield is holding out hope that the commission will come up with something "a little bit more fair for everybody" in the future.

Noank residents and property owners were divided in a **public comment meeting in July**, and so some are happy with the commission's decision. Smith was **up for re-election to the Zoning Commission in May** and won 108-89 against Gabi Smillie, a short-term rental operator who **decided to throw her name in a few weeks prior**.

Short-term renting is "corrosive to communities, and it should not exist, and God bless our zoning commission," Elisabeth Pendery said. "They are so courageous and they made the right decision, not flippantly, but after two and a half years, with due diligence and careful consideration."

She said the commission decided to do the greatest amount of good for the greatest number of people, noting there might be around 30 STR operators out of hundreds of homes in Noank. She said "communities need neighbors," and that she could've easily put her second unit on Airbnb and made four times as much money but instead has someone there long-term.

Both Pendery and Mary Cuthbert voiced concern about short-term rentals depleting the availability of long-term rentals and about kids not having other children to play with.

Cuthbert said Friday, "I don't believe that short-term rentals belong in a residential community," saying people need to be in hotels when they're visiting communities.

e.moser@theday.com

Comment threads are monitored for 48 hours after publication and then closed.



Local News

Wednesday, April 24, 2024

A year into short-term rental enforcement, Noank zoning officer says most former operators have complied



October 08, 2022 6:35 pm • Last Updated: October 08, 2022 6:35 pm

By **Erica Moser**
Day Staff Writer

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Groton — As neighboring communities mull how to handle short-term rentals, Noank is in a different position: It's been more than a year since its zoning commission voted to enforce a prohibition.

After more than two years deliberating on proposed ordinances to STRs, the Noank Zoning Commission in August 2021 **voted 5-0 to instead enforce the prohibition**, as uses not explicitly allowed in zoning regulations are prohibited.

At the commission meeting last September, chairman Rick Smith said of the more than 20 homes that offered short-term rentals a year ago, almost all but one have stopped, and nobody has been taken to court. But he thinks it's something the village will always be wrestling with.

"It could be new people who move to town and aren't aware they can't do this, haven't done their due diligence," Smith said.

Zoning Enforcement Officer Bill Mulholland said zoning commission clerk Janet Sutherland monitors Airbnb and other sites to see if there are listings.

Mulholland explained that he has designed a three-notice system to handle violations. The first is a letter stating it has come to his attention that the person may be operating a commercial enterprise in violation of zoning regulations.

"You are hereby requested to voluntarily comply with the Zoning Regulations by ending all STR use at your property," the form letter reads. "Failure to comply voluntarily may subject you to formal enforcement proceedings, which can include fines of up to \$250 per day. You should modify all STR website listings that offer the property for rent to require a minimum 30-night rental period and only accept rental contracts that comply with that requirement."

Mulholland ends the letter by asking the person to meet with him during his Tuesday evening office hours or send an email to submit their response. He said a second notice would be similar, and the third would be a cease-and-desist order.

Mulholland said he recently sent someone a second notice. Sutherland said there haven't been any cease-and-desist orders issued since she became clerk at the end of June.

One year later, some reactions remain the same

South Carolina resident Wayne Burdick, part of the fifth of six generations in his family to own a home in Noank, said he rented the waterfront home to one tenant last winter.

"His six-month rental was less money than we were able to get for four weeks in the summertime, and so you can imagine the hit of that is rather severe," he said. Burdick said it was about \$2,500 a month whereas he could rent the home out for \$4,600 a week in the summer. He said a six-month rental lined up for this winter fell through and he's "scurrying to see if we can find somebody else."

Burdick said last year that short-term rentals helped defray more than \$40,000 a year in taxes, insurance and maintenance on the house, which he wants to keep in the family. He said last week that figure might now be conservative due to chimney and dock
irs.

Multiple family members use the home durin

Carson's Store owner Andrew Blacker said last year he was against any type of short-term rental regulation, saying the restaurant needs the extra business.

He was measured last week in his assessment of the impact from the past year. He sees both sides: He wishes people could occupy houses that are empty eight or nine months of the year, but he also said short-term rentals affected the amount of available housing and he's being priced out of Noank.

Blacker said when traditional bed and breakfasts got pushed aside, he financially benefited from "selling breakfast in a place where we're pretty much the only place to get breakfast around." And he wants Noank to stay mixed-use, not just residential.

He's noticed fewer unfamiliar faces and has seen a negative impact on business from lack of short-term renters. But he added Carson's is a small spot and is at capacity a lot of times anyway.

"In no way do I want to sound like I'm complaining about (the decision)," Blacker said. He thinks the Zoning Commission is doing the best it can, and said with limited staff, an outright ban is easier to enforce than regulations that come with bureaucratic work.

This summer in Noank, Blacker also opened Palmer's Provisions and Pizza, and Zest Fresh Pastry opened another bakery.

Elisabeth Pendery was one of the vocal opponents of short-term rentals, and she said in conversations with neighbors this past summer, "We feel like Noank is a lot more relaxed ... There's less traffic, it's quieter, and there's less anxiety."

After spending recent years feeling anxiety over whether homes changing hands would become short-term rentals, she now feels "people are more trusting of their new neighbors, that there's no ulterior motives."

Pendery said she has been renting out her unit downstairs at a below-market rate to the same tenant for the past three years.

Short-term rentals "provide a benefit for a very small sector of the population, just those individuals getting that income," she said, "but they have a tremendous impact against the wellbeing of a community because they take away what would otherwise be available housing."

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Ledyard, News

Ledyard Opts for Hosted Short Term Rentals with Stronger Regulations

— Cate Hewitt, 1.17.2022



Image Credit: Robin Breeding

LEDYARD — After extensive discussion at a public hearing, the Zoning Commission unanimously approved a zoning regulation for short term rentals that will require the owner of the building to live on the premises, a practice known as hosting.

“We didn’t think the ordinance was terrible, it just didn’t have the teeth necessary in zoning,” said Juliet Hodge, town planner at the commission’s Jan. 13 meeting.

She said the new zoning regulation is more specific than the ordinance and will give the town opportunities to stop nuisance short term rentals using faster methods than taking legal action.

“You can always bring somebody in for a hearing and you can threaten to take away their permit. You can work with the staff and work with them to bring them into compliance. But, that ability to issue a cease and desist and then the ability to cite then fine them and then to accumulate fines, is powerful,” she said.

The town’s two-year ordinance is set to expire at the end of February. The ordinance required the property owner to apply for a permit for a short term rental, but not all property owners did and there was no penalty for not doing so. According to CT Examiner reporting, the town had three properties with a permit and eight that were advertising on AirBNB without a permit.

Those who obtained a permit to run a short term rental under the current ordinance will be regulated under the ordinance until the permit expires, Hodge said. After that, the owner will need to apply for a special permit to operate.

Jim Harwood, who lives next to one of the houses where the owner never applied for a permit, said he supported the zoning regulation because the way the ordinance was structured, the only penalty was to revoke the permit.

He said beginning in April last year, 30 to 40 people at a time had rented the three-bedroom house next door as an AirBNB even though the ordinance limited the number of renters to six people at a time. He said the owner was absent and had not applied for a permit.

“It was probably three times a week, a party house till four in the morning till five in the morning and then they get up again at eight o’clock and start drinking and continuing on,” he said. “They make noise all night. They make noise early in the morning. And there are about six different houses in the neighborhood that have submitted complaints over the last six and eight months.”

But Molly Barnett, who owns two rentals in Ledyard with her father Rob Barnett, said the biggest issue was enforcement rather than whether owners apply for a permit or not. She asked the commission to take more time to consider a solution.

“I’d like to point out that it sounds like this is not really a two sided issue. It’s more of an agreement that we do need enforcement [for] those houses that are not bothering to follow any of the rules. There should be something done about that and I’m not sure what that is. But this proposal does not address that. All this current proposal does is add more rules that the rule breakers are not going to follow. So I just would also say that maybe we should reconsider a different direction here.”

Nate Weiss, a resident, said that while enforcement is the biggest issue to solve, he wasn’t convinced that the concept of the hosted rental was a workable solution.

The initiator of the ordinance, Eric Treaster, said the hosted short term rental regulation will help when neighbors experience issues because breaking the rules will have consequences.

“It also makes it much much easier to enforce because zoning issues cease and desist orders and a violation of a cease and desist order is a criminal matter. It’s a felony. And I have never seen someone ignore a cease and desist order. It’s far more powerful than an ordinance,” he said.

A separate regulation will be needed for non-hosted short term rentals, said Katie Scanlon, vice chair of the commission.

The regulation also does not address the issue of companies buying properties to use for short term rentals, taking away available housing, concerns that the commission and town staff wanted to solve, said Hodge.

“That is a huge issue and we were struggling with, well, what if somebody lives in Groton but owns a house in Ledyard? They probably would be responsible and nearby, should they need to be called,” she said. “We just couldn’t get to a point that we weren’t going to run into some legal issues, so that’s something we could certainly explore but not tonight. It would represent too big of a change.”

Cate Hewitt

Cate Hewitt is a reporter and Deputy Editor for CT Examiner. Hewitt covers planning and zoning issues.



Local News

Wednesday, April 24, 2024

Preston looks to stop influx of short-term rentals



November 16, 2023 8:32 pm • Last Updated: November 16, 2023 8:39 pm

By **Daniel Drainville**

Day Staff Writer

[✉ d.drainville@theday.com](mailto:d.drainville@theday.com)

Preston — The planning and zoning commission has scheduled a public hearing for Nov. 28 on whether to establish a temporary moratorium on new short-term rentals from operating here.

The town's planning and building officials have expressed a variety of concerns over the single-family home rentals, which are often purchased by investors trying to capitalize on business from casino patrons.

Among the concerns are that the rentals are reducing the number of single-family homes available for potential residents and ruining the character of surrounding neighborhoods, according to Town Planner Kathy Warzecha and Building Official Doug Colter.

The town has approved 11 such rentals with another seven on the docket for the commission's upcoming Nov. 28 meeting. Those seven would be unaffected by the moratorium. If adopted, the moratorium would begin Dec. 15. and last until June 30, 2024.

"It's not that people don't want transients in the neighborhood," Colter said regarding the would-be occupants of the rentals.

"It's that they're concerned about the character of the neighborhood once there's a transient use," he said. "So now, instead of a single-family neighborhood, you have six, seven cars in the driveway."

Warzecha said the town does have checks in place to prevent renters from parking on the street and partying, which result in notices of violation. If a property owner receives three violation notices, their rental renewal will not be approved.

The other concern, Warzecha and Colter said, is that the rentals remove affordable housing stock from prospective residents.

"We're seeing people pay premium prices, raising the prices beyond what our entry-level folks can afford, and it's pricing our own residents right out of the market because of the influence of the business venture on that home, and it's decreasing the housing stock," Colter said.

"Nobody's against capitalism, nobody's against making a living, but that was not the intent of the law," he added about the town decision last year to adopt an ordinance allowing short-term rentals.

Colter said the intent was to allow residents to make extra money to help pay their bills by renting out spaces in their homes.

"We never expected that there would be this influx of short-term rentals," Warzecha said. "I mean we have received a lot of them in the short year since we have had this regulation."

Colter said the town has since been flooded with "what amounts to mini-hotels."

Warzecha said the commission's intent with the moratorium is to more comprehensively examine the short-term rental ordinance with new town staff.

"Because as I said, everybody's changed so we want to get everybody on the same page and we also want to be sure that the town of Preston, the residents, are being protected," she added.

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§ 315-8.3. Short-term rentals (STRs). [Amended 9-12-2022]

- A. Purpose of short-term rental regulations. This section defines the administration and standards for all short-term rental activity for no more than 30 consecutive calendar days. These standards include all such short-term rentals, including those labeled as "bed-and-breakfast." This section supersedes the previous regulations, § 315-8.3, Bed-and-breakfast establishments. These regulations are intended to:
- (1) Maintain the tranquility of the Town's rural neighborhoods for all residents, particularly with regard to lighting, noise, parking, parties, and other activities that interfere with residents' quiet enjoyment of their neighborhoods.
 - (2) Enable homeowners to derive some extra income from their primary residence, with the goal of keeping properties intact.
 - (3) Regulate all short-term rental activity as defined by these regulations in order to minimize the off-site impact of short-term rentals, and to support public health standards in neighborhoods.
 - (4) Reinforce public safety standards by proscribing parking along streets and other public areas.
 - (5) Better ensure that the owners and hosts of short-term rental properties have clear understandings of their legal responsibility to oversee and control the occupants of short-term rentals.
 - (6) Be consistent with the vision, policies and recommendations of Lyme's most recent Plan of Conservation and Development, and to encourage the most appropriate use of land.
- B. Permitted short-term rental activities.
- (1) No property in the Town of Lyme shall be used as a short-term rental establishment as defined by these regulations until the appropriate authority of the Town of Lyme issues a zoning permit or a special permit, as the case might be, to authorize such use.
 - (a) A zoning permit shall be required for a premises on a conforming lot and having three or fewer guest rooms, at which there may be no more than six overnight guests during any rental period.
 - (b) A special permit shall be required for any short-term rental:
 - [1] To have more than six overnight guests.
 - [2] For a short-term rental on a nonconforming lot, regardless of the number of guest rooms and/or overnight guests.
 - [3] A short-term rental containing more than three but not more than six guest rooms. Such a short-term rental may serve no more than 12 guests at a time.
 - (c) Any application for a zoning permit or a special permit shall comply with all application requirements set out in these regulations.

- (2) The short-term rental facilities should reinforce public safety standards and complement the general appearance of the neighborhood in which it is located. Regulations, procedures, and standards in this section shall be coordinated with and support other Zoning Regulations.
- (3) Standards for short-term rental facilities.
 - (a) The short-term rental facility must be within the property owner(s)' primary residence or located in an approved accessory building on the same lot as the residence.
 - (b) A host, at least 21 years of age, must live on-site at the short-term rental during the entirety of any rental period. A host shall be personally responsible for oversight of rental guests and compliance with the zoning permits and regulations pertaining to short-term rentals, including those related to such things as number of guests, parking, noise, and outdoor lighting. The host's responsibility shall be in addition to, and not in derogation of, that of the property owner.
 - (c) One or more hosts must be designated on the permit application and approved by the zoning official. The owner(s) of the premises will generally be identified as host(s). However, other individuals for whom the family dwelling unit, or another dwelling unit on the same lot, is considered their primary residence may also be designated on the permit as host(s). The permit shall include contact information for the property owner(s) and each identified host, including telephone numbers and email addresses, to allow for immediate contact at any time of day or night.
 - (d) Any on-site septic system or wells shall conform to the Connecticut Public Health Code and be adequate for the use of the dwelling, as defined on the application.
 - (e) Prior to the issuance of any short-term rental permit, the applicant shall provide satisfactory written evidence that all required inspections have been performed and that state and local licenses and permits have been obtained. Required inspections and permits are listed in Subsection D.
 - (f) A morning meal may be prepared by the owner or host on-site and served to overnight guests if: a) the facilities have been reviewed by the Health Department and Fire Marshal and permitted for such service; and b) if such use is expressly permitted by the zoning permit or special use permit issued for the site. No other meals may be prepared or served at any short-term rental. No catering may be provided.
 - (g) Consistent with § 315-21.1, the space for off-street parking shall be adequate in size, layout, and design to facilitate the free flow of traffic on public streets and the safe ingress and egress from the premises. The number of parking spaces shall be sufficient to accommodate the vehicles of all occupants and visitors. All parking must comply with the Town's Zoning Regulations and any other relevant governmental requirements.
 - (h) There shall be suitable direct vehicular access to each short-term rental facility from a public street.

- (i) Consistent with § 315-7.16:
 - [1] There shall be no exterior floodlighting. Parking, sidewalks, and exterior spaces may be lit for safety using light bollards and other low-level lighting standards with shielded light sources and cutoffs preventing light from intruding on neighboring properties.
 - [2] Noise, including amplified music and loudspeakers, extending beyond the premises, and disturbing or capable of disturbing neighbors and other persons off-site is prohibited.
 - (j) Signage, if otherwise allowed in the zoning district, shall comply with the requirements for the zoning district and be approved as part of the zoning or special use permit for the STR.
- C. Prohibited short-term rental activities. The following are prohibited as part of a short-term rental facility:
- (1) Short-term rentals made without permits or in violation of the terms of an issued permit are prohibited.
 - (2) Illegal activities conducted on the premises by the host or guests.
 - (3) A short-term rental may not be used or permitted by the Town to be used by short-term renters, or owners or hosts on behalf of short-term renters, as an event venue of any kind, whether or not for consideration. For these purposes "events" shall include but not be limited to gatherings such as weddings, parties, concerts, or banquets to be attended by persons who are not the owners, hosts, or overnight guests of the short-term rental.
 - (4) Consistent with § 315-7.16, noise, including amplified music and loudspeakers, extending beyond premises' boundaries, and capable of disturbing the neighbors and other persons off-site is prohibited.
 - (5) Parking on the public right-of-way is prohibited.
 - (6) The sale of other goods and services to anyone at or from the premises is restricted to those allowed under customary home occupations (§ 315-8.1). Such sales must be expressly approved under § 315-8.1 regulations.
- D. Permits, inspections, fees, and enforcement.
- (1) Permits, inspections, and fees.
 - (a) Town of Lyme permit to operate a short-term rental facility.
 - [1] An approved permit is required before short-term rental activities may commence.
 - [2] Each application for a permit or renewal must be submitted to the Zoning Enforcement Officer on a form provided by that office. An application will be considered complete when an application form, fee, and all written evidence of satisfactory results of all required inspections and permit applications are

filed and approved.

- [3] The application form requires (but is not limited to) the following information:
 - [a] Address of premises.
 - [b] Names of premises' owners along with contact information.
 - [c] Certification of primary residence of owners.
 - [d] Description of proposed rental structure.
 - [e] Maximum number of guests.
 - [f] Description of parking availability.
 - [g] Designated host(s): name, age, relationship to owner, contact information.
 - [h] Certification of primary residence of designated hosts.
 - [i] Intent to serve morning meals to overnight guests.
 - [4] A permit fee is required as part of the application. The fee amount may be found at <https://townlyme.org/fees/>.
 - [5] The Zoning Enforcement Officer will review results of all required inspections and, at the Zoning Enforcement Officer's discretion, may require an additional in-person inspection before issuing the short-term rental permit.
 - [6] Zoning and special permits must be renewed annually. Renewal requires up to date inspections and permits described in Subsection D(1)(b), (c), and (d).
- (b) Health Department permits and inspections. A review of the septic system and well water will be required. A separate review fee is required by Ledge Light Health District. Proof of a satisfactory health review is required as part of the Town of Lyme's short-term rental application.
 - (c) Sale of other goods and services. If the owners of the short-term rental facility sell goods or services other than lodging and morning meals to overnight guests, these goods and services must conform to and be permitted under the Town's customary home occupations (§ 315-8.1). An additional permitting fee may be required.
 - (d) Safety requirements and inspections. The owner will attest that all smoke, fire, and CO alarms are installed and that located alarms have been tested monthly and are operational. The Fire Marshal's office may require a safety inspection of the facility, especially if a morning meal is served to guests.
- (2) Enforcement; penalties.
 - (a) Sections 315-10.1 and 315-10.2 are applicable to short-term rentals.

- (b) Penalty for noncompliance with these regulations may include immediate revocation of an existing short-term rental permit, a decision not to renew an existing permit, the issuance of a cease-and-desist order, or other enforcement action as provided by law.
- (c) Nothing in this section shall preclude the Town from seeking any other legal or equitable remedy or from creating a citation hearing procedure to obtain compliance with these regulations.



TOWN OF BOZRAH

TOWN HALL

1 RIVER ROAD

BOZRAH, CT 06334

Telephone: 860-889-2689 • Fax: 860-887-5449

Ordinance 2021-2

***Now therefore be it ORDAINED by the electors of the Town of Bozrah at a duly warned Town Meeting and Referendum concluding on 11 June 2021 the Town of Bozrah hereby enacts the following Ordinance:**

***AN ORDINANCE CREATING A LICENSING PROCEDURE FOR SHORT-TERM RENTAL PROPERTIES IN THE TOWN OF BOZRAH, CONNECTICUT**

Section 1 – Purpose.

It is the intent of this Ordinance to accommodate the desire of certain property owners in the Town of Bozrah, Connecticut to rent all or a portion of a residential dwelling or detached structure on a short-term basis and to establish appropriate requirements to mitigate the disruption that short-term rental of these spaces may have on a neighborhood.

This ordinance is not intended to regulate residential property rentals that occur on a longer basis, for the purpose of providing a primary residence.

Section 2 – Definitions.

For the purpose of this Ordinance, the following words and phrases shall have the meaning ascribed herein.

“Dwelling Unit” – Any single domicile providing complete, independent living facilities for one or more persons, including bathing and sanitary facilities, and provisions for living, cooking, and sleeping.

“Hosted Rental” –A Short-term Rental that is the primary residence of its owner, said owner of the property being evidenced by the records of the Tax Assessor. The owner of the Hosted Rental will be present at a time when it is rented. A property that is owned by a company or

corporation will have a designated representative (owner) specified in the permit when issued, which designated representative will be present at a time when it is rented.

“Off-street Parking Area” – An area located on the property of a Short-term Rental designed and used for the temporary parking of motor vehicles, including all-weather surfaced off-street parking areas, garages, or private driveways.

“Short-term Rental” – A dwelling unit or portion thereof, or all or a portion of an accessory structure on a residential lot that contains sleeping quarters but does not meet the definition of dwelling unit, that is rented for compensation, direct or indirect, in currency or in kind, to occupants for a term of twenty-one (21) or fewer days at a time, with no consecutive rental agreements allowed with the same tenants. For the purposes of this Ordinance, Short-term Rentals do not include Bed & Breakfasts, Hotels, or Motels as defined by, and in compliance with, the Zoning Regulations of the Town of Bozrah.

“Short-term Rental Enforcement Official” – The First Selectman and/or an employee appointed by the Board of Selectmen for an indefinite term, authorized to administer and enforce this Ordinance. The Short-term Rental Enforcement Official may issue or rescind licenses, undertake enforcement proceedings, issue fines, and undertake any other task necessary to carry out this Ordinance.

Section 3 – Permit Requirements for Short-term Rentals.

A. Permit Required. Any individual, partnership, or business entity owning residential property in the Town of Bozrah that is a Hosted Rental and wishing to use all or a portion of the Hosted Rental property as a Short-term Rental must first obtain a permit from the Short-term Rental Enforcement Official. All current Short-term Rentals must apply for a permit within fifteen (15) days of the effective date of this Ordinance or otherwise cease all rentals at their property until a permit is obtained. No more than one permit for a Short-term Rental may be held by the same individual, partnership, or entity at one time, regardless of the number of properties held by that individual, partnership, or entity in the Town of Bozrah. A permit shall apply to the owner of a property and not to the property itself. A permit is valid for one (1) year and is not transferrable.

B. Permit Application Requirements. An application for a Short-term Rental permit shall contain sufficient information to allow the Short-term Rental Enforcement Officer to judge its consistency with requirements of this section. Minimum permit application requirements are as follows:

1. Completed and signed Short-term Rental permit application form. Applicants are required to respond to all inquiries in a form created to carry out the application process.
2. Paid permit fee. The fee for a Short-term Rental permit application shall be \$200.
3. Proof of insurance. The property owner shall maintain an up-to-date certificate of insurance documenting that insurance policy for the property covers its use as a Short-term Rental. A copy of the certificate of insurance shall be provided.

4. Fire & Building. The proposed Short-term Rental shall have smoke detectors and carbon monoxide detectors inspected by the Fire Marshall. Proof of inspection and adequacy of smoke and carbon monoxide detectors shall be submitted.

5. Health. The proposed Short-term Rental shall test its water supply for potability using a lab certified in the State of Connecticut. Test results affirming the water supply's potability shall be submitted yearly for rentals utilizing well supplied water.

6. Information Packet. (See Section 4.B).

Section 4 – Requirements, Conditions, and Required Conduct for all Short-term Rentals.

A. Points of Contact.

1. Primary Point of Contact. The owner of a Short-term Rental will be the Primary Point of Contact. A property that is owned by a company or corporation will have a designated representative (owner) specified in the permit when issued. The designated Primary Point of Contact will be expected to take immediate remedial action to address issues arising at a Short-term Rental.

B. Information Packet. An Information Packet shall be prepared and submitted as part of an application package. The Information Packet shall be available to renters of a Short-term Rental. The Information Packet shall consist of:

1. Maximum allowed occupancy (see Section 4.C).
2. Noise and use restrictions.
3. Location(s) of off-street parking area(s).
4. Location(s) of trash receptacles.
5. Primary Point of Contact and Alternative Point of Contact information.
6. Explanation of the renters' responsibility not to trespass on adjoining private property.
7. Explanation of the renters' responsibility not to create a disturbance perceptible off-property.
8. Notification of the renters' responsibility to comply with this ordinance.

C. Occupancy Limit. The maximum occupancy shall be prescribed at the time of application by the Short-term Rental Enforcement Officer. The maximum occupancy of the Short-term Rental shall be either all members of the immediate family (children and parents only) of the person renting the Short-term Rental or 5 unrelated persons, including the owner or Primary Point of

Contact, unless further restricted by the fire code, or the Short-term Rental Enforcement Officer based on the nature of the Short-term Rental. Children under the age of three (3) years do not count toward the occupancy limit.

D. Restrictions on Use. Short-term Rentals are meant to provide temporary lodging in a residential setting. Short-term Rentals may not be used for any of the following purposes:

1. Receptions for weddings or other gatherings and/or receptions.
2. Banquets, fundraisers, or events sponsored by a business or other agency, such as corporate retreats.
3. Concerts.
4. Parties, including but not limited to bachelor/bachelorette parties and reunions, which create a perceptible off-site impact to other properties. Such off-site impact includes loud noise, trespass, or lewd behavior.

E. Parking. Guests of a Short-term Rental shall not park on the public street and shall only park within any off-street parking area servicing the Short-term Rental property.

F. Nuisances. Disruptive noise is not allowed. It is the intent of this ordinance to allow Short-term Rentals to occur in a manner consistent with the quiet nature of the Town of Bozrah's residential areas.

G. Compliance with Other Ordinances and Regulations. Properties used as a Short-term Rental shall be in good standing with all other town ordinances and regulations, including the Zoning Regulations.

H. Inspection. A Short-term Rental is subject to inspection by the Short-term Rental Enforcement Officer, with a minimum twenty-four (24) hour notice to the owner of the Short-term Rental. Such inspections may be made to determine compliance with this Ordinance.

Section 5 – Administration.

A. Permit Application Process. An application for a Short-term Rental permit must be made by the owner(s) of the property as evidenced by the records of the Tax Assessor.

1. Review by the Short-term Rental Enforcement Officer. The Short-term Rental Enforcement Officer shall review all permit applications received, including all supporting documentation required by this Ordinance, and render a decision on the application within fifteen (15) days of date the application is filed at the Bozrah Town Hall.

2. Application Approval. A permit application may only be approved if it meets the requirements of this Ordinance. The Short-term Rental Enforcement Officer may request additional information from the applicant if such information is needed to determine the permit application's consistency with this Ordinance. After a permit is issued by the

Short-term Rental Enforcement Officer, a Short-term Rental shall remain in compliance with the terms of this ordinance.

3. Application Denial. A permit application may be denied on the following grounds:

- a. Insufficient information is received within the fifteen- (15) day decision period. Such denial shall be without prejudice and an applicant may re-apply for a permit with additional information requested by the Short-term Rental Enforcement Officer.
- b. The proposed Short-term Rental does not meet one or more requirements of this Ordinance, including the requirement that each rental be a Hosted rental.
- c. The applicant is delinquent on property taxes for the subject property.
- d. The subject property has outstanding zoning, wetlands, health code, building code, or fire code violations.

B. Violations. The Short-term Rental Enforcement Officer is charged with enforcing this ordinance. The Short-term Rental Enforcement Officer may revoke a permit for a Short-term Rental found to be in violation of the provisions of this Ordinance. The Short-term Rental Enforcement Officer may commence legal action and/or issue fines in order to remediate a violation of this Ordinance. Additionally, any person who violates any provision of this ordinance may receive a citation and be fined Two Hundred Fifty (\$250.00) Dollars. Each day on which a violation occurs or continues after the time for correction of violation given in any order has elapsed shall be considered a separate violation of this ordinance.

C. Operating without a Permit. A Short-term Rental in operation without a permit is unlawful and found to be in violation of this Ordinance.

D. Severability. If any provision of this Ordinance shall be held invalid by a court having competent jurisdiction, such invalidity shall not affect any of the other provisions of this Ordinance that can be given effect without the invalid provision and for this purpose the provisions of this Ordinance are hereby declared severable.

E. Conflict. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This Ordinance shall take effect Fifteen (15) days after publication in accordance with the Connecticut General Statutes

Dated at Bozrah, Connecticut this June 11, 2021

Town Clerk

ADMINISTRATIVE NOTE: ORDER OF HEADINGS ON PAGE 1 CHANGED TO DISPLAY APPROVED FORMAT. DATED: 1/2023

Stonington's STR ordinance faces uphill battle heading into referendum

By Jason Vallee Sun staff writer
Mar 2, 2023



STONINGTON — If officials hope to see the proposed short-term rental ordinance pass at referendum, they will need to do a lot of work over the next two weeks to convince residents and property owners that it is the best path forward for the community.

During a public hearing at Stonington High School on Monday night, Stonington attendees expressed concerns that the ordinance oversteps personal rights by requiring owners of properties to pay registration fees and submit to oversight in private matters, while neighbors of current short-term rental properties claimed the regulations amount to nothing more than “data collection.”

Either way, the two opposing views agreed on one aspect of the ordinance: the proposal “has no teeth,” and would likely do very little to address the concerns surrounding short-term rental properties.

“I’ve spoken with a number of people in Stonington that have had problems, and this does nothing to address their concerns,” said Bryan Bentz, a member of the Stonington Board of Finance, during the hearing on Monday. “What this ordinance does is it hits property owners in a way that it should not, by impacting their rights.”

The proposed ordinance, which is available on the town website at stonington-ct.gov, calls for the implementation of a regulatory and registration system for short-term rental properties around the community.

First Selectman Danielle Chesebrough said the ordinance was the result of a process that began in 2017 after the Planning and Zoning Commission made a decision not to regulate short-term rentals, or STRs. Former Director of Planning Jason Vincent told the Board of Selectmen at the time that the

best course of action would be public, transparent development of policy if it was going to be implemented.

Following a lengthy process that took several years and included four public information sessions, Chesebrough said the town has done all it can to develop a plan that aims to collect data and provide tools to regulate STR issues without stepping on homeowners' rights.

Stonington Town Attorney Jeffrey Londregan said that, after hearing from residents, the policy was developed in a way that sought to build a sustainable model that would allow the town to collect data and monitor to assure proper operation of STR properties. With no laws on the books in Connecticut, he said the town ordinance would be the only way for the community to regulate such properties.

Over the course of the process, Londregan said several revisions were made, including eliminating requirements that STR properties be owner-occupied. He noted that, as the ordinance includes in its purpose statement, the intent was to establish appropriate measures to mitigate current and future challenges short-term rentals may have on neighborhoods.

"There are no real cases yet to look at in terms of what can and can't be regulated, and there are no laws on the books in Connecticut. This is an effort to provide a tool to protect the town and its residents," Londregan said.

If the ordinance receives approval, those who fail to register will be given a \$250 fine, a written warning noting the date of the recorded violation and be given 10 business days to register or appeal the violation. If not addressed within the 10 days, a second letter would be sent, allowing for an additional five business days with fines of \$250 per day until the property is registered. Property owners who commit a third violation cannot be issued an STR permit for one year, and further use as a short-term rental without permit will result in fines of \$250 per day.

Fines will be put on hold when violations are contested by an appeal to the town's appointed hearing officer and will remain until a final determination has been made.

For property owners opposed, the concerns were heavily centered on the public registration and reporting process associated with STR units. Several residents, including Bentz and Glenn Frishman, a former finance board member, as well as Attorney Rob Avena on behalf of Van Winkle Properties LLC, came forward to question the process, saying it unfairly targets those who would use their property as a short-term rental.

Frishman expressed concerns that the ordinance, as written, would unintentionally open a door for officials to step into the private affairs of citizens.

"This is nothing more than an unwarranted intrusion into the private affairs of property owners," Frishman said. "We have a very proactive police department here and if people have concerns regarding behavior, they should contact the police."

Others, including residents Matthew Beaudoin, owner of Mystic Knotworks, and several people who identified themselves as neighbors of challenging properties, said the ordinance does little to address the root of the issue, which they said is the homes being purchased at unrealistically high prices and used only as short-term rentals for income by "landlords" with little interest in improving the property or caring how it might impact neighbors.

While the issue does have promising components — residents expressed a need to have a list of owners to be able to contact if there are issues with a tenant — even those seeking enforcement showed little interest in seeing the ordinance pass.

Chesebrough defended efforts by town officials to build the ordinance and said Monday that if the referendum does not pass on March 13, it would be unlikely that the issue would be addressed again prior to the next local elections, and it would then be up to the next Board of Selectmen whether to revisit it. Londregan noted that there does not appear to be any regulations coming from the state anytime soon.

"I wish there were other options, but I just can't see us getting to a better end result. I am sorry it seems so many may not be happy with it," Chesebrough said. "This was a resident-driven process and this is where the residents drove the process."

The referendum to decide on the ordinance will be held on Monday, March 13, from noon to 8 p.m. Voters of the first, fourth and fifth districts will vote at the Stonington Fire Station, 100 Main St., and voters in the second and third district will vote at the former Pawcatuck Middle School.

A full copy of the final proposed ordinance, after revisions, is available at https://www.stonington-ct.gov/sites/g/files/vyhlf3851/f/news/str_ordinance_final_0.pdf.

jvallee@thewesterlysun.com

Jason Vallee

Reporter



Local News

Wednesday, April 24, 2024

Stonington voters reject short term rental ordinance



March 13, 2023 8:56 pm · Last Updated: March 14, 2023 3:52 pm

By **Carrie Czerwinski**, Special to The Day

Stonington — Residents and property owners voted 694-342 at Monday's referendum to reject a proposed short term rental ordinance.

Just 7% of the town's registered voters cast ballots.

"It's an example of democracy at the local level. It's messy and complicated, but it's important. For those who did engage, for the most part, it restored our faith in people's ability to have civil discussions on important and complicated topics," said First Selectwoman Danielle Chesebrough, who had worked on the proposed ordinance for more than year.

The ordinance would have required owners to register their short-term rental property with the town, conform to local safety regulations, provide information for renters on local noise and property use restrictions as well as an explanation of the town's trash and recycling programs including collection schedule.

Additionally, an owner or agent of the owner would have been required to be available in person, by phone or text within 60 minutes of receiving a request from police, fire, or town official.

Poll worker Chris Rose said the turnout was slow but steady at the former Pawcatuck Middle School on Monday.

One voter, Joe Durning, said he does not operate a short-term rental, but had in the past, and that he is against the ordinance.

"I voted no. I don't think it's the town's business necessarily on private property," he said.

"I voted against it because we need to keep the community as economically flexible as possible to afford the increase to the middle-class property taxes that are coming with the new valuation and with the mill rate," added Matt Beaudoin, resident and owner of Mystic Knotworks.

Most of the voters willing to speak about their votes were opposed to the ordinance, Edward Janusz was for it.

"I voted in favor simply because I thought it was a good compromise," he said, adding, "I thought it was all right all the way around. If everybody's kind of okay with it, it's probably a good policy."

Despite complaints from some residents the Planning and Zoning Commission declined to regulate short term rentals in 2017. Last year, the town decided to seek community input, propose an ordinance and allow residents to vote on the proposal.

An initial draft prompted significant opposition from short term rental owners and some residents in town.

It only allowed short-term rentals at a property owner's primary residence. If a property owner did not meet the requirement, they would have had one year to move into the home, convert it to a rental of 30 days or more or sell the property. These rules were then removed from the proposed ordinance,

Town Attorney Jeffrey Londregan had previously explained that despite proposed bills and lobbying by interested parties, the state has not passed any regulations regarding short term rentals, and that legal ambiguities create the possibility of litigation and legal challenges to a more stringent ordinance, which would be costly to the town.

The town released a significantly pared down version of the short-term rental ordinance in early February, and the Board of Selectmen voted to send it to referendum after receiving signatures to force a referendum.

Additionally, Chesebrough previously said residents had voiced a desire to vote on the proposed ordinance but expressed that the timing and duration of a town meeting and the inability to vote by mail was an obstacle.

~~Editorial boards are required to publish all comments within 48 hours of publication and the ordinance.~~

READER COMMENTS

Margaret Favretti March 15, 2023 at 11:51

[Report](#)

Thank you, Steve, Jay, Ted, and Jennifer. It's the commercial interests that need to be redirected to business zones, same as we would do with gas stations and factories. People who live here for half the year and STR their place the rest of the time actually DO have an interest in maintaining neighborhoods and establishing a sense of community. Big investment groups don't.

CELESTE BROWN March 15, 2023 at 08:49

[Report](#)

Steve, correct. They didn't even address the real issue.

Robin Dauda March 15, 2023 at 08:46

[Report](#)

"we had no opportunity to vote on the central concern. Commercial operators won before the election even took place"
That's so sad.

JAY DEMPSEY March 14, 2023 at 19:28

[Report](#)

I also agree with you Steve. Here in Groton City our city leaders have chosen to side with the mini hotel operators and ignored many Eastern Point neighbors concerns, who spoke at city council meetings. I don't understand why some regulations such as home businesses, bed and breakfasts, commercial and new build zoning regulations are upheld and STR's are able to operate with no regulation at all. Sad to say the inaction of local officials with the exception of Noank may set precedent going forward. We may need to open up mini hotels next to city officials' homes before anything will be done.

THEODORE HENDRICKSON March 14, 2023 at 14:23

[Report](#)

You assume correctly Steve Grover, and I couldn't agree more. A thorny issue, but there has to be some solution that is fair but protects the community from business interests destroying the quality of life in our neighborhoods. Well said.

Erika Hall March 14, 2023 at 09:58

[Report](#)

Well said, Steve Grover and Jennifer Lacker.

KATHLEEN NEUGENT March 14, 2023 at 08:10

[Report](#)

Steve Grover My feelings exactly and why I voted 'NO'. The real issue as you stated is not the one-off vacation home owner or legacy owner, but the outside investors gobbling up multiple properties which is seriously aggravating our housing shortage in this area. Another issue I have with this vote is why on earth did they shorten the voting hours from the normal 6 a.m. – 8 p.m. to noon – 8 p.m. ? And if you wanted to vote absentee you had to go in person to the Town Hall rather than by mail, a burden for many. So you restrict voting opportunities and then complain about a low turnout? Priceless!

Jennifer Lacker March 14, 2023 at 08:07

ORDINANCE REGULATING SHORT-TERM RENTALS IN STONINGTON, CT

1. **PURPOSE.** It is the intent of this Ordinance to accommodate Stonington property owners who want the option to rent their residential dwelling on a short-term basis, while establishing appropriate measures to mitigate current and future challenges that short-term rentals may have on neighborhoods and the community as a whole.
2. **DEFINITIONS.** For the purpose of this Ordinance, the following words and phrases shall have the meaning respectively ascribed to them:
 - A. **Dwelling Unit:** Any single structure, or part thereof, providing complete independent living facilities for one or more persons, with permanent provisions for living, cooking, sleeping, bathing and sanitary facilities.
 - B. **Property Owner (“Owner”):** Each and every record title owner who is a natural person, or that single designated natural person designated by a corporate or trust owner of the subject property.
 - C. **Owner’s Agent:** A person age eighteen (18) or older who has been identified by the Property Owner as a local contact.
 - D. **Short-Term Rental:** The use of a dwelling unit, in whole or in part, for transient lodging for compensation by Renters, for less than thirty (30) days. This definition does not include rentals approved by the Planning and Zoning Commission as “hotels,” “motels,” “recreational camps” or “bed and breakfast” uses, or those that are legally non-conforming as such.
 - E. **Short-Term Rental Guests (“Renters”):** Persons who rent a Short-Term Rental.
 - F. **Town:** The Town of Stonington.
 - G. **Permit:** The approval of a registration by the Town in accordance with Section 4 of this Ordinance.
 - H. **CITATION HEARING OFFICER:** A person or persons appointed by the First Selectman as an officer, as defined in and pursuant to Connecticut General Statutes § 7-152c, to serve as the Citation Hearing Officer. Such officer shall be other than any individual who issues citations and shall serve for terms of two years, unless removed for cause.
3. **STANDARDS.** All Short-Term Rentals located within the Town are required to follow the standards described within this Section 3.
 - A. To register a Short-Term Rental and obtain a Permit as outlined in Section 4 of this Ordinance.

- B. The following information shall be made available at the Short-Term Rental by the Owner, and shall be provided to the Renter in writing:
- i. Information on maximum occupancy, excluding children under the age of 12. While max occupancy can be established by the owner, it may be confirmed by the applicable Fire Marshal for the property. If requested by said Fire Marshal, Owner agrees to permit the Fire Marshal to do an inspection of the property at reasonable times to confirm maximum occupancy is not exceeded.
 - ii. Applicable noise and use restrictions, including the Town's noise & Short-Term Rental ordinance.
 - iii. Information regarding the Town's Yellow and Green Bag Program and solid waste related information, including collection schedule.
 - iv. Contact information for the Owner(s) or Owner's Agent(s).
 - v. Emergency information, including but not limited to, Stonington Police Department address & phone numbers (emergency and non-emergency); directions to nearest medical facilities, such as hospitals & urgent care centers; evacuation routes; and fire safety information.
 - vi. A statement that Renters will use their best efforts to ensure that their use of the premises will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties. This shall include notification that there is a 24 hours a day, 7 days a week, hotline that neighbors and other residents are able to call to report any possible infractions of the Short-Term Rental agreement or this Ordinance.
- C. When requested by a police officer, fire district official, Town official or appointee of the Town, the Owner(s) or Owner's Agent(s) whose name appears on the Short-Term Rental registration must be on the Short-Term Rental premises, or be responsive over the phone or text, within sixty (60) minutes after receiving a request.

4. REGISTRATION. Renting, or offering for rent, a Short-Term Rental without complying with the registration requirement outlined within the Section 4 is prohibited.

- A. The Owner of a Short-Term Rental must register annually with the Town through a platform specified by the Town in order to be issued a Permit.
- B. Short-Term Rental registration must include the following information:
 - a. Name of the Property Owner(s) and address of the Short-Term Rental.

- b. Contact information for the Owner and, when applicable, Owner's Agent who has the authority and responsibility to respond to complaints in person, over the phone or text, 24 hours a day, 7 days a week, within 60 minutes of being contacted.
 - c. Sworn statement from the Owner that the Short-Term Rental will contain operating smoke and carbon monoxide detectors that meet the requirements for said detectors as set forth by the Town's Building and Fire Codes.
 - d. An Owner's agreement that confirms they will use their best efforts to assure that use of the premises by Renters will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties.
- C. Upon approval of a Permit, the Town will provide a Short-Term Rental registration number for each Short-Term Rental registered. The Short-Term Rental registration number should be included in any listings.
- D. If there is a change in the information required in subsection B of this Section, the Owner must complete a new registration and submit it to the Town within ten (10) days of said change.
- E. The Owner must pay the annual Permit fee in full at the time of application. The fee shall be established by resolution of the Board of Selectmen to cover the costs associated with this Ordinance.

5. PENALTIES

- A. The remedies herein are cumulative and the Town may proceed under one or more.
- B. Any Owner, Agent, or Renter who causes, permits, facilitates, aids, or abets any violation of any provision of this Ordinance, or who fails to perform any act or duty required by this Ordinance, is subject to a potential range of civil sanction as follows:
 - I. Penalties for violations of all remaining areas of the Ordinance are as follows:
 - First offense, written warning.
 - Second offense within 12-month period, \$250.00.
 - Third offense within 12-month period, loss of a Short-Term Rental permit for one (1) year. Upon reapproval of any Permit, if there is a new offense, it will result in the permanent loss of the Short-Term Rental Permit for that Owner.
 - II. Penalties for not registering or completing fraudulent registrations are as follows:

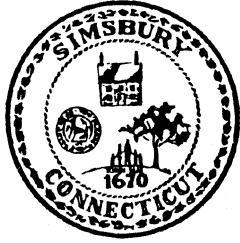
- First offense, written warning noting the date of recorded violation and giving ten (10) business days to register or contest the alleged violation, along with a \$250.00 fine.
 - If not addressed within that timeframe, a second letter will be sent, allowing for an additional five (5) business days, along with a fine of \$250.00 a day until the registration is made true and accurate.
 - If a third violation is issued, without any appeal to the Hearing Officer in accordance with Section 6 of this Ordinance, that Property cannot be issued a Short-Term Rental Permit for one (1) year, and further use as a Short-Term Rental without a Permit will result in accumulating \$250.00 a day fines until the unpermitted use has ceased. Fines will be put on hold when violations are contested by an appeal to the Hearing Officer in accordance with Section 6 of this Ordinance, until a final determination has been made.
- C. Anyone wishing to appeal any penalty shall go through the process set forth in Section 6 of this Ordinance.
- D. In addition to the penalties listed above, the Town has the right to refer potential nuisance or safety issues to relevant enforcement agents including the police, fire, zoning, building or health district at any time.

6. CITATION HEARING PROCESS

- A. The Town hereby establishes a hearing procedure pursuant to General Statute Section 7-152c, as may be amended, for the enforcement and/or appeals of any civil fine and penalties issued pursuant to this Ordinance.

7. MISCELLANEOUS PROVISIONS

- A. Each day on which a violation occurs or continues after the time for correction of violation given in any order has elapsed shall be considered a separate violation of this ordinance.
- B. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- C. If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance that can be given affect without the invalid provisions or applications; and to this end, the provision of this ordinance and the various applications thereof are declared to be severable.
- D. The Town acknowledges the Borough of Stonington retains the right, if it so choses, to regulate short-term rentals by exercise of its zoning powers.



Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

TOWN OF SIMSBURY

Short-Term Rental Ordinance

Adopted by the Board of Selectmen on November 8, 2021

I. Purpose

- A. The purpose of this ordinance is to regulate short term rentals in the Town of Simsbury. By establishing these regulations the Town will be able to monitor short-term rental listings in Simsbury and ensure compliance with Town and State rules, regulations and laws that apply.
- B. This ordinance is adopted pursuant to General Statutes §7-148(b) and §7-148(c)(7).

II. Definitions

- A. **Occupant:** Any person(s), and their guests, who have entered into an agreement with a property owner for the use of the short-term rental.
- B. **Owner:** Any person(s) who holds the legal right to the property or beneficiary of like estate and uses the property as their legal residence.
- C. **Owner's Agent:** Any person who is 18 years or older and has been identified by a property Owner as a local contact. The Owner's Agent is authorized to act for an Owner who cannot be reached, in a reasonable amount of time, through all means of contact identified on their Short-Term Rental Permit.
- D. **Local:** For the purpose of this ordinance local is defined as a straight line distance of 20 miles.
- E. **Owner Occupied:** During the course of the rental period, the owner (as defined above) is present inside the dwelling.
- F. **Primary Residence:** An owner who spends at least 183 days at their property is defined as a primary resident.
- G. **Short-Term Rental:** Any furnished living space rented by a person(s) for a period of one (1) to twenty-nine (29) consecutive days. A short-term rental must have separate sleeping areas established for guests and guests must have at least shared access to one (1) full bathroom and cooking area.
- H. **Sleeping Area:** A sleeping area is defined as a separate space, with a bed provided that the guest(s) of a short term rental have access to. This area must be inside the dwelling and cannot include: tents, outdoor areas, and/or recreational vehicles. A minimum of 75 square feet of sleeping area per guest shall be provided.
- I. **Authorized Enforcement Agency:** Employees or designees of the town as designated by the Town Manager to enforce this ordinance.

- J. **Event:** A gathering of persons that are occupants of the short-term rental and others that are not guests/occupants. Occasions such as weddings, graduation parties, or other gatherings of people would be considered as an event. Events can be either indoor or outdoor for purposes of this regulation.

III. **Permit Required**

- A. No one shall offer to rent or operate a short-term rental in the Town of Simsbury without a valid short-term rental permit authorized by the Town of Simsbury and issued in accordance with this ordinance. Failure to secure a permit shall be a violation of this ordinance and subject to fines and enforcement as defined hereinafter.
- B. Only the owner(s) of record of the Premises subject to the permit and eighteen (18) years of age or older may apply for and obtain a short term rental permit.

IV. **Application Process for a Short-Term Rental Permit**

A. **Application Process**

- i. An application form as issued by the Planning and Land Use Department must be completed.
 - 1. All information entered on the form must be true and accurate to the applicant's knowledge and belief.
 - 2. The application shall include but not be limited to the following:
 - a. A list of all owner(s) and primary residents of the property, and their contact information.
 - b. Contact information for a Owner's Agent who can be called on in emergency situations if property owner is not responsive.
 - c. The number of separate sleeping spaces made available to guest(s) of the short term rental.
 - d. A signed affidavit attesting to the fact that the Property is in compliance with health and safety rules, zoning and the building and fire safety codes and allowing Town officials the right to perform inspections, both externally and internally, of a short-term rental property when safety violations are suspected.
 - ii. A new application fee of two hundred dollars (\$200) shall be collected upon the submission of the completed permit application.
 - iii. The Director of Planning and Community Development, or his/her designee, shall approve or deny any application for a short-term rental in the Town of Simsbury.
 - iv. An initial safety inspection must be completed by a staff member of the Planning or Building Department before a permit may be issued.
- B. An application must be fully complete when being submitted to the Planning and Land Use Department. The Town will not accept incomplete applications.

C. Limit to Amount of Rentals

- i. No owner may rent the property as a short-term rental under the permit for more than one hundred (100) days during any one year period of their short-term rental permit.
- ii. Only one rental permit is permitted per property.
- iii. Only one portion of a residence or accessory dwelling unit can be used at a property.

D. Parking Requirements

- i. The Town shall determine the number of parking spaces required for each property. Each required parking space shall have an area of not less than nine (9) feet by eighteen (18) feet, plus adequate driveways. All required parking spaces shall be located on paved surfaces.
- ii. No renter may park their vehicle on a public street between the hours of 2:00AM and 5:30AM.

E. Neighbor Notification

- i. Within five (5) days after the date of receipt of the application for an initial permit, the applicant shall submit, as part of the application, the name(s) and address(es) of the owner(s) of record of all property abutting or within one hundred (100) feet of the subject property, as listed on the last-completed grand list of the Town of Simsbury.
- ii. Notice of the permit shall be mailed by the applicant to the owner(s) of record of all property within one hundred (100) feet of the subject property not fewer than ten (10) days after application is filed. The applicant shall provide copies of completed certificate of mailings to Planning Department staff for issuance of permit.
- iii. Applications for permit renewals are not required to notify abutting property owner(s) as outlined above.

F. Owner Present During Rental Period

- i. The owner of a property has the option of being present while renting their property or renting their property while not being onsite during the rental period.
- ii. If choosing to be offsite during a rental period the owner must provide their contact information to the renter as well as to the Town on their permit. If the owner is unable to be in the local area while renting their property an owner's agent must be identified to the renter and to the town in case of emergencies or situations that may arise during the rental period.
- iii. Failure to provide proper contact information of either the property owner or owner's agent while the owner is offsite may result in the revocation of the Short-Term Rental Permit.

G. Accessory Dwellings

- i. Accessory dwellings, as defined by the Town of Simsbury Zoning Regulations, either attached or unattached, are permitted to be used as short-term rentals provided that:
 - 1. They meet the same standards set forth in this ordinance as a traditional single family house;
 - 2. They have at least 1 full bathroom;
 - 3. They have proper, functioning heating and cooling;
 - 4. The unit has received a certificate of zoning compliance from the Zoning Commission.

V. Expiration and Renewal Process of Permit

A. Expiration

- i. All short-term rental permits are valid for two years from date issued.
- ii. Permits become invalid at 11:59 PM on the listed expiration date of the short-term rental permit.

B. Renewal Process

- i. An application for renewal of a short-term rental permit must be submitted to the Planning and Land Use Department at least one (1) month but no more than three (3) months before the expiration date of the current permit.
- ii. Applicants must submit the following forms when applying for a renewal:
 - 1. The previously approved permit;
 - 2. An updated application, if any requested information has changed in the past year;
 - 3. A renewal fee of one hundred thirty dollars (\$130);
 - 4. Copies of sales tax receipts from the previous rental period.
- iii. The Director of Planning and Community Development, or his/her designee, may authorize a renewal inspection of the property before granting a renewed permit. The Director of Planning and Community Development, or his/her designee, may reject an application for renewal.
- iv. A renewal permit may only be applied for if the owner holds a valid short-term rental permit in the previous two year period that was not revoked by staff. Any permit that has lapsed eight (8) or more months between an expired permit and an application for a renew permit will be treated as a new application for a short-term rental permit and should follow the steps in Section IV, A.

VI. Non-transferability

- A. A short-term rental permit is not transferable to another owner or property.

VII. General Standards

A. Maximum Occupancy

- i. The maximum occupancy for a short-term rental unit shall be 6 persons or two persons per each bedroom in the unit, whichever is less.

B. Safety

- i. A short-term rental property must include:
 1. Working smoke and Carbon Monoxide detectors with placement following town/State building codes;
 2. A working fire extinguisher shall be located in the dwelling at all times when the property is being used as a short-term rental;
 3. A clear path of egress is always visible while the property is available for rent;
 4. Properly functioning windows and doors in all livable spaces of the dwelling;
 5. Sleeping accommodations are to the state building code.
 6. Demonstrate compliance with the Town Zoning Regulations, health and safety codes that may apply as determined by the Farmington Valley Health District, the State Building Code and the State Fire Safety Code.

C. Conduct

- i. Short-term rental guests are subject to all relevant town codes and ordinances. It is up to short-term rental owners to notify their guests of any applicable codes and ordinances and to ensure that they are followed.
- ii. Unreasonable noise or other disturbances are prohibited.
- iii. Indoor and outdoor events are prohibited.
- iv. No guest may spend the night sleeping outdoors.
- v. Signage advertising the property as a short-term rental is prohibited.

VIII. Enforcement

- A. The authorized enforcement agency, as defined in Section II, has the authority to determine if a violation has occurred and to issue citations to correct any violation found to exist.
- B. Operating a short-term rental without a valid short-term rental permit, as well as using a property as a short-term rental for anything other than the allowed uses stated earlier in this document shall be a violation of this ordinance.
- C. The Authorized Enforcement Agency has the authority to suspend a short-term rental permit until the owner comes into compliance.
 - i. The Authorized Enforcement Agency or his/her designee, shall give the owner up to thirty (30) days to correct the violations.
 - ii. This suspension will not delay the expiration of an owner’s short-term rental permit.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Town of Simsbury Short-Term Rental Permit Application

Application # STR

FEE: \$200.00

Application should be completed in full, including original signatures, before submitting to the Planning & Community Development at the Simsbury Town Offices, Planning Department, 933 Hopmeadow Street, Simsbury, Connecticut 06070.

Applicant Name: _____

Property Address: _____

Contact Information:

Email Address: _____

Phone Number: _____

Place of Primary Residence? Yes No

Names of All Primary Residents at this Address:

Number of Sleeping Areas at Residence: _____

Number of Sleeping Areas at Residence to be Available while Rented: _____

Will you be using an Accessory Dwelling Unit as a Rentable Area? Yes No

Number of Defined Parking Spaces Available to Renters: _____

Please fill out if permit holder will not be present on property while renting:

Name of Owner's Agent: _____

Owner's Agent Contact Information:

Address: _____

Email Address: _____

Phone Number: _____

List of Services Rental will be Advertised on:

Neighbor Notification:

Names and Addresses of Abutting Properties and Properties 100 Feet from Property Line:

Notice of Permit Mailed to Addresses Listed Above: Yes No

Affidavit and Agreement

I hereby certify that I am the owner of the property which is the subject of this application OR the authorized agent of the property owner. I agree to schedule an inspection and will notify within 24 hours prior to the inspection for a cancellation; I agree to allow access to the unit as well as uncover and expose any items which are covered or concealed per the inspectors request; I understand that when a permit is issued, it is a permit to proceed and grant no right to violate any code, ordinance or statute, regardless of what may be shown or omitted on the submitted plans and specifications regardless of any agreement with any official. **I have read and agree to all the above, as well as I have read and agree to all parts of the Town of Simsbury Short-Term Rental Ordinance as adopted by the Board of Selectmen on November 8, 2021.**

Signature: _____ **Date:** _____

~~~~~*Internal Use Only*~~~~~

New Permit      Permit Renewal

**Safety Check:**

**Internal:**    Pass      Fail

**External:**    Pass      Fail     **Maximum Occupancy Allowed:** \_\_\_ Persons

**Copies of Neighbor Notification Mailings Provided to Planning:**    Yes      No

**New Application Fee Paid:**    Yes      No      Renewal Fee Paid

**Permit Issued Date:** \_\_\_\_\_ **Permit Expiration Date:** \_\_\_\_\_

**Permit is:**      Approved      Denied

\_\_\_\_\_ **Date:** \_\_\_\_\_

**Name:**

**Title:**



## Exhibit 19C--Simsbury Zoning Regs

**Section 17.4, Definitions: Short-Term Rental:** Any furnished living space rented by a person(s) for a period of one (1) to twenty-nine (29) consecutive days. A short-term rental must have separate sleeping areas established for guests and guests must have at least shared access to one (1) full bathroom and cooking area. Operation of a short-term rental requires a permit via town ordinance.

See also Sections 3.4, 4.5, and 5.5, Permitted and Special Permit Uses in Residential, Business, and Industrial Zones, respectively.