

Short-Term Rental Review Board Discussion Outline for Possible Changes – September 17, 2019

#	Issue	Code Section/Item to Change	Potential Changes in Policy or Legislation	Discussion Points	Notes
Policy Amendments					
1	<p>Definition of resident agent. Currently there is no definition of a resident agent in the code.</p>	<p>New Application should include: “3. Proof that the applicant(s) can satisfactorily monitor or has retained the services of a resident agent capable of monitoring the short-term rental property. The applicant or resident agent shall have a home or office within 30 miles of the short-term rental unit and be available to respond from this location during periods of short-term rental. 4. An address and telephone number where the applicant or, if applicable, their resident agent, may be contacted 24 hours a day during any short-term rental period.” 190-63.2.C.3&4</p>	<p>A. Add a definition of resident agent</p> <p style="padding-left: 40px;">Include definitions of :</p> <p style="padding-left: 80px;">i. Duties/responsibilities</p> <p style="padding-left: 80px;">ii. Qualifications</p> <p style="padding-left: 80px;">iii. Training</p> <p>B. Do not add a definition of resident agent</p>	<ol style="list-style-type: none"> 1. What is the purpose of a resident agent? 2. If the resident agent is solely for the renters, should we eliminate the option for a resident agent entirely from the Code? 3. What role does a resident agent play in the enforcement process, if any? 4. If we add duties, qualification and training, what regulatory purpose are we fulfilling? 5. What is the penalty for having an agent without the proper duties, qualification and training? 	
2	<p>Change of resident agent</p>	<p>There is nothing in the Code that requires the license holder to inform anyone if the resident agent changes</p>	<p>A. Add a requirement that if a resident agent changes, the holder must notify (1) the County and/or (2) certain neighbors that they have a new resident agent</p> <p>B. Do not add such a requirement</p>	<ol style="list-style-type: none"> 1. How soon after a change should they be required to notify? 2. Which neighbors, if any, should be notified? 3. How is notice sent to the County? To neighbors? 	
3	<p>Change version of the Building Code</p>	<p>Current law for a new application requires an inspection to verify “...that the property complies with the International Residential Building Code adopted by Talbot County, as amended, with respect to emergency escape and rescue openings, exits and smoke alarms” (190-63.2.D.) AND the Operating Guidelines (190-33.20.C.9) provide that: “The short-term rental property shall comply with</p>	<p>A. Amend to require compliance with the version of the International Residential Code (IRC) that has been adopted by the State of Maryland for new construction for emergency escape and rescue openings, exits and smoke alarms</p> <p>B. Amend to require compliance</p>	<ol style="list-style-type: none"> 1. Should current STR license holders be required to follow the standards in effect at the time they were first licensed or be required to update their homes as the IRC changes aka grandfathering? 2. If the requirement changes over time, how will that effect the 	

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		the International Residential Building Code adopted by Talbot County, as amended, with respect to emergency escape and rescue openings, exits and smoke alarms.” Talbot County has currently adopted the 2003 IRC, although state law requires the county to enforce the 2018 IRC for new construction.	with the 2018 IRC C. Amend to require compliance with the IRC that was in effect at the time that the home was constructed D. Do not change current law	issuance of renewal licenses and what effect will that have on the STR owners?	
4	Add requirement for a carbon monoxide detector	Current law does not require addition of such a detector	A. Add a requirement for a carbon monoxide detector B. Do not add such a requirement	1. What is the regulatory cost for such a requirement? 2. Is there a location where such detectors should be, if required?	
5	When new applications may be filed	New applications are only accepted in January, February, July and August (Sec. 190-63.2.B). Renewals are to be filed at least 60 days prior to the expiration of their license. (sec 190-63.3.A)	C. Allow new applications to be filed year round D. Add more months to allow new applications to be filed E. Retain the current law	1. What was the purpose of limiting the application period in this way? 2. Has that purpose been fulfilled? 3. What effect would a change have on the Board? Staff? STR license applicants? The public?	
6	Who receives notice/private road. If the STR will abut or use a private road, should those who abut the private road receive notice of the application or hearing	190-63.2.F.1 The applicant shall provide proof that the short-term rental application information has been provided to the following: a. Owners of properties contiguous to the short-term rental property; b. Owners of properties across a roadway, easement or right-of-way from the short-term rental property; c. Owners of all other properties with	A. If the property uses a private road, notice owners of all properties that abut that road B. Do not add any provisions related to notice of other property owners on a private road	1. What purpose would be fulfilled in sending notice to these abutting property owners? 2. Is there any reason NOT to send such notices?	

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		<p>a property line within 1,000 feet, including in line of sight within 1,000 feet across waterways of the short-term rental dwelling; and</p> <p>d. If applicable, a homeowners' association, property owners' association or covenant administrator for the development where the short-term rental property is located.</p>			
7	Consent by neighbors who abut a private road to application.	Not in current law	<p>A. Do not allow a license to be issued if the STR uses a private road and all of the neighbors that abut such road agree to the issuance of an STR license</p> <p>B. Do not add such a requirement</p>	<p>1. What is the purpose of such a requirement?</p> <p>2. Is this change the best way to accomplish this purpose?</p>	
8	Number of Notices for New Application	<p>Notice of Application (within 21 days of filing application) (190-63.2.F)</p> <p>Notice of Hearing (no sooner than 21 days from notices being sent out above) (190-63.2.I)</p>	<p>A. Retain current law</p> <p>B. Remove requirement to notice filing of application</p> <p>C. Remove requirement to notice hearing</p> <p>D. Combine notice of application and hearing into one mailing</p>	<p>1. What is the purpose of sending these notices?</p> <p>2. What benefits are there for sending two notices for the applicant and the recipients? What is the additional burden for sending two notices on the applicant and the recipients?</p>	

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9	<p>Clarify when mailing notice of application should happen for new applications</p>	<p>Current law: 190-63.2.F.3. The notice shall include, at a minimum, information as listed in the example short-term rental notification letter in the application package. This information shall include: the applicant's name, contact information, including address, e-mail, and telephone number; twenty-four hour contact information in the event of any problem at the short-term rental property; contact information for the Code Compliance Officer or other designated County official; statement that a short-term rental application <i>has been filed</i> with the Talbot County Department of Planning and Zoning and that such application is available for public inspection; and state, if applicable, that a public hearing on the application will be held by the Short-Term Rental Review Board.</p> <p>190-63.2.F.4.</p> <p>The notices required by this section shall be sent out <i>within 21 days</i> of filing the short-term rental application with the Talbot County Department of Planning and Zoning.</p>	<ul style="list-style-type: none"> A. Retain current law B. Clarify that the notice is sent simultaneously or after the filing of the notice C. Clarify that the notice may be sent before, simultaneously, or after the filing of the notice 	<ul style="list-style-type: none"> 1. What is the purpose to allow people to mail before an application has been filed? 2. Is there a harm in disallowing sending until the application is filed? 	

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10	Method of mailing notices	<p>Current law for notice of application: certified mail, return receipt requested or other shipping carrier with adult signature required (190-63.2.F.2)</p> <p>Current law for notice of hearing: certified mail (190-63.2.I.4)</p>	<ul style="list-style-type: none"> A. First class mail B. Certificate of mailing C. Certified mail D. Certified mail, return receipt requested E. FedEx or UPS 	<ul style="list-style-type: none"> 1. What is the purpose of a higher level of mailing requirement than first class mail? Ensuring the mailings were actually sent? Ensuring that the mailings are actually received? 2. Is there a burden on the recipients of the letters related to the receipt of certified mail? 	
11	Allow inspections to be done before filing a new application	<p>“Inspection of property. Upon receipt of an application for a short-term rental license, the applicant shall schedule an on-site inspection of the property with the Planning Director or a Code Enforcement Officer...” 190-63.2.C.</p>	<ul style="list-style-type: none"> A. Allow inspections to be done before the filing of the new application (how long before?) B. Only allow inspections to be done after the filing of the application as under current law 	<ul style="list-style-type: none"> 1. How long before filing an application should an inspection be done? 2. Is there a policy reason not to allow earlier inspections? 	
12	Clarify that third party IRC inspections are allowed for new applications	<p>See above 190-63.2.C which seems to require a County inspection (Refers only to Planning and Code Enforcement), even though the Operating Guidelines in 190-33.20.C.9 allow for a third party inspection</p>	<ul style="list-style-type: none"> A. Allow third party inspectors to perform the IRC inspections B. Do not allow third party inspectors to perform the inspections 	<ul style="list-style-type: none"> 1. Is there a reason to not allow certified third party inspections? 	
13	Allow third party inspections for potable water and sanitary facilities	<p>Operating guidelines require that “A short-term rental license shall not be issued until the Health Department has determined that the short-term rental property complies (with current Health Dept rules for potable</p>	<ul style="list-style-type: none"> A. Add a provision which allows such third party inspections B. Retain current law which 	<ul style="list-style-type: none"> 1. Do such inspectors exist? Are they certified in some way? Are there enough of them on the Shore to assist with this? 	

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		water and sanitary facilities). (190-33.20.C.12) New application requires “A satisfactory inspection report from a licensed inspector as to water quality and, if applicable, septic system operation.” (190-63.2.8)	does not provide for such inspections		
14	Add a requirement that all STR advertising must be consistent with the parameters of the law, license and house rules	Not in current law/things such as events, fireworks, total occupancy, etc.	<ul style="list-style-type: none"> A. Add a provision that all advertising must be consistent with the operating guidelines and the house rules B. Add a provision that all advertising must include a certain sub-set of our law (events, fireworks, outdoor fires, noise, dogs on leash) C. Do not add such provisions 	<ul style="list-style-type: none"> 1. Which house rules? House rules in effect at time of licensure or must they be updated as the County updates them? 	
15	Moratorium		<ul style="list-style-type: none"> A. Should there be a moratorium on the issuance of licenses B. Should there not be a moratorium 		

Inconsistencies in the law

<p>16</p>	<p align="center">Correct errors or inconsistencies</p>	<p>190-33.20. Short-Term Rental</p> <p>C. OPERATING GUIDELINES</p> <p>1. The maximum number of persons permitted to be on-site associated with any short-term rental shall be limited at all times to the lesser of 12 persons or two persons per bedroom in the primary dwelling, excluding infants under eighteen months of age, and not including any bedrooms within an accessory dwelling.</p> <p>* * *</p> <p>9. The short-term rental property shall comply with the International Residential Building Code adopted by Talbot County, as amended, with respect to emergency escape and rescue openings, exits and smoke alarms. The property shall be equipped with fire extinguishers in the kitchen and any other area in which flammable or combustible materials are kept or stored. All inspection reports shall be submitted to the Talbot County Department of Planning and Zoning on a form prepared and approved by the Planning Director. A third party <u>International Code Council (ICC)</u> certified building inspector may complete the form, or requests for County inspections must be accompanied by a \$40 inspection fee. This fee may be reset and</p>	<p>See underlined and strikethrough text</p>		
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		<p>changed from time to time by the County Council through the fee schedule during the annual budget process.</p> <p>190-78 Terms Defined * * *</p> <p><u>SHORT-TERM RENTAL</u> Any lease or other transfer of the right to occupy a dwelling unit other than a hotel, motel, inn, or bed-and-breakfast establishment, for not less than one three nights and not exceeding 14 weeks. * * *</p> <p><u>TRANSIENT OCCUPANCY</u> Occupancy of a hotel or motel unit, inn, <u>or</u> bed-and-breakfast, or licensed short-term rental for short-term periods, not less than one night nor more than four months.</p>			
17	<p>Clarify that the per bedroom occupancy requirement also applies to accessory dwellings that are rented</p>	<p>190-33.20. Short-Term Rental * * *</p> <p><u>C.</u> Operating guidelines. <u>1.</u> The maximum number of persons permitted to be on-site associated with any short-term rental shall be limited at all times to the lesser of 12 persons or two persons per bedroom in the primary dwelling that is rented, excluding infants under eighteen months of age, and not including any bedrooms within an</p>			

		accessory dwelling.			
Policy Changes					
18	Require Owner to be present at new application hearings	Amendment to Rules of Procedure	<ul style="list-style-type: none"> A. Require owner to be present at new application hearings without exception B. Require owner to be present but allow some exceptions C. Do not include such requirement 	<ul style="list-style-type: none"> 1. What is the purpose of requiring an owner to be present? 2. Can the owner be present in other ways? 	
19	Improve information on complaints provided to citizens	County Website Notice letters to neighbors	Outline ways for people to complain (STR Helper, Owner/Resident Agent/Non-Emergency Dispatch/Sheriff/STRRB)	<ul style="list-style-type: none"> 1. What other methods for outreach are needed? 2. What should be included on such website? 	
20	Maintain a list of STR violations that have been issued	Code Compliance policy	Maintain a list of warnings and notices of violation issued to STR owners and provide access to the public to that list in some way (on website)	<ul style="list-style-type: none"> 1. What is the purpose of providing access to the public? 2. Does the staff time to maintain such a list outweigh the benefit to the public? 3. Due process concerns if violation is not final (i.e. appeal time has not run) 4. Should there be a list of complaints as well/instead? 	

21	Distribute House Rules more expansively	Terms of STR License County website	<ol style="list-style-type: none"> 1. Post the current house rules on the County website 2. Require the House Rules to be posted at the property and add this provision to all licenses 3. Take no action 	<ol style="list-style-type: none"> 1. If House Rules are changed, what version should owners who have already been licensed use? 2. Should the House Rules only be amended once a year? 	
22	Create Summary to be provided to new licensees about next steps and parameters for compliance	Planning and Zoning policies	Such as: When the license will be issued A summary of the requirements under the law (fireworks, noise, etc.)	<ol style="list-style-type: none"> 1. Other information? 	
23	Provide STR data to the public	County website	Provide information to the public on the County website: Address of STR name, address, phone for owner and resident agent Date license was issued Complaints/Violations	<ol style="list-style-type: none"> 1. Other information? 2. What is the staff time associated with keeping this current? Is that possible under current staffing? 	