

Section 1: Purpose

The purpose of the bylaw is to protect the public health, safety and welfare of both the general public and the occupants of all rental housing units within the Town of Tisbury, including but not limited to, year round, seasonal and short term rentals.

Section 2: Rental Certificate Required

No property owner shall rent or lease, or offer to rent or lease, or cause to rent or lease any building or any portion of a building to be used for human habitation without first obtaining a rental certificate from the Town of Tisbury.

Section 3: Application for Rental Certificate

Application for such certificate shall contain the name and address of the property owner, the address of the property being registered, the number of units in the registered property, the number of rooms in each unit, and the size (in square feet) of each unit.

The application shall include the name and phone number of one or more responsible individuals who can be reached and who shall be available at all times to respond to emergencies.

The application shall include a certification by the owner or its authorized agent, under pains and penalties of perjury, that they have inspected each unit and that it complies with all applicable laws, including but not limited to the State Sanitary Code, 105 CMR 410.000, et seq., the State Building Code, 780 CMR, the State Comprehensive Fire Safety Code 527 CMR 1.00 and the Town of Tisbury Zoning Bylaws.

The application shall be accompanied by the applicable fee. Fees shall be waived for affordable and community housing units.

Section 4: Rental Certificate – Conditions, Term and Fees

Rental Certificates shall be issued subject to such conditions as the Town deems necessary for the protection of public health, safety and welfare.

The Rental Certificates shall specify the maximum number of occupants that may be permitted in each unit. Maximum occupancy will be determined by the Town based on information provided in the application and available Town records. In no case shall occupancy exceed two persons for each legally recognized bedroom over 100 square feet. In accordance with the State Sanitary Code bedrooms less than 100 square feet shall be recognized for single occupancy only.

Prior to issuing a Rental Certificate the Town may require an inspection of the rental property by the Board of Health, Building Department and/or Fire Chief in order to determine maximum occupancy and to confirm that the rental unit complies with all applicable laws.

The Rental Certificates shall specify the name and contact information for persons responsible for responding to emergencies and requests for assistance from tenants and/or Town of Tisbury staff.

The Rental Certificate shall be conspicuously posted on the premises in a location accessible to all occupants and visitors.

All advertisements of property for rent shall clearly post the Rental Certificate number assigned by the Town of Tisbury.

Rental Certificates will be effective for three years from the date of issue, unless sooner revoked in accordance with these regulations.

The Rental Certificate fee shall be established annually by the Board of Selectmen.

Section 5: Owner's Duty of Compliance

It shall be the responsibility of the property owner to ensure that compliance with the conditions set forth in the Rental Certificate and all applicable laws relative to the habitation of the premises is maintained at all times.

It shall be the responsibility of the property owner to ensure that the maximum occupancy of the premises is not exceeded at any time.

It shall be the responsibility of the property owner to ensure that the individual(s) identified as being available for responding to emergencies and requests for assistance are in fact available at all times and that a prompt and appropriate response is provided.

Section 6: Suspension, Modification or Revocation of Rental Certificate

The Town may suspend or revoke any Rental Certificate, after a hearing for violation of any provision of this regulation, the State Sanitary Code, the State Building Code, the State Comprehensive Fire Safety Code or any other applicable General Law, regulation or by-law intended to protect public health, safety and/or the environment.

The Town may, in lieu of suspension or revocation, modify any Rental Certificate to impose additional conditions, including but not limited to a requirement for periodic inspections and/or a limitation on the maximum number of occupants allowed.

If any Rental Certificate is suspended or revoked, the owner of the premises shall be responsible for finding alternative and comparable housing for any and all tenants until such time as the tenancy ends or the rental certificate is reinstated.

This bylaw is intended to further the objectives of and to act in concert with any existing federal, state or local laws concerning the maintenance of property and the habitation of dwellings. Nothing in this bylaw is intended to limit or restrict the authority of the Town or any board, commission or officer of the Town to act in accordance with federal, state and local laws within their jurisdiction, including but not limited to the emergency condemnation procedures set forth in the State Sanitary Code and the State Building Code.

Section 7: Fines and Penalties

Any Code Enforcement Officer for the Town of Tisbury may enforce this regulation.

Whoever violates any provision of this bylaw may be penalized by a non-criminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition bylaw. If non-criminal disposition is elected, then any person who violates any provision of this regulation shall be subject to the penalty of \$300.

Each day or portion thereof shall constitute a separate offense.

As an alternative to enforcement through non-criminal disposition, whoever violates any provision of this bylaw may be penalized by indictment or on complaint brought in the district court.

Section 8: Severability

If any provision of this bylaw is declared invalid or unenforceable, the other provisions shall not be affected and shall continue in full force and effect.

Section 9: Operation and Effect

This bylaw shall become effective July 1, 2018.

TOWN OF TISBURY

APPLICATION FOR CERTIFICATE TO RENT

Complete entire application (front & back). If you have more than one rental unit, complete an application for each unit.
Incomplete applications will be returned.

☐ NEW ☐ RENEW ☐ AMEND

Rental Address: _____ Unit # _____

Name of Complex/Condominium (if applicable): _____

Square Footage: _____ Number of Bedrooms: _____ Anticipated Occupancy: _____

Rental Period:

☐ Short-term (less than 90 days) ☐ Seasonal (more than 90 days) ☐ Year Round

If short-term or seasonal, please indicate the duration that dwelling is rented: _____

PROPERTY OWNER INFORMATION

Name: _____ Email Address: _____

Mailing Address: _____

Primary Phone: _____ Alternate Phone: _____

EMERGENCY CONTACT INFORMATION

Property Manager: Name: _____ Number: _____

Emergency Contact: Name: _____ Number: _____

I hereby declare, under the pains and penalties of perjury, that the information provided on this application is true and accurate to the best of my knowledge and belief. I have been provided with a copy of the Town of Tisbury Rental Certification Regulation/Bylaw.

Signature: _____ Date: _____

**The fee for this certificate is \$?? per unit and the certificate is valid for three (3) years.
All units must be available to be inspected upon request of the Town.**

Please fill out the self-certification affidavit on the rear of this application

Rental Address: _____

Unit # _____

Type of wastewater disposal system:

☐

Municipal Sewer

☐

On-Site Septic System

SELF-CERTIFICATION CHECKLIST

Please check each line to certify you are in compliance with the Tisbury Rental Certification Bylaw

- _____ The Rental Certification is/will be conspicuously posted
- _____ Street number is clearly marked on the building
- _____ Electrical panel/circuit breaker is labeled clearly and is accessible
- _____ Smoke detectors are installed and in working order
- _____ Carbon monoxide detectors are installed and in working order
- _____ Decks, guardrails and handrails are present if applicable
- _____ Egress from building is unobstructed
- _____ Dwelling interior is in good repair
- _____ Dwelling is clean and in good repair
- _____ Doors/windows are operable and secure
- _____ All fixtures present and in good repair
- _____ Dwelling is pest/vermin free
- _____ Screens are installed and in good repair

OWNERS DUTY OF COMPLIANCE

Initial each of the following

- _____ I will ensure that compliance with the conditions set forth in the Rental Certificate and all applicable laws relative to the habitation of the premises is maintained at all times.
- _____ I will ensure that the maximum occupancy of the premises is not exceeded at any time.
- _____ I will ensure that the individual(s) identified as being available for responding to emergencies and requests for assistance are in fact available at all times and that a prompt and appropriate response is provided.
- _____ I understand that the Town may, in lieu of suspension or revocation, modify any Rental Certificate to impose additional conditions, including but not limited to a requirement for periodic inspections and/or a limitation on the maximum number of occupants allowed.
- _____ I certify under pains and penalties of perjury, that I have inspected each unit and that it complies with the State Sanitary Code, the State Building Code, 780 CMR, the State Fire Safety Code, and the Town of Tisbury Zoning Bylaws and Regulations.

Property Owner Signature: _____

Date: _____