

Short-Term Rental Revisions and Recommendations Matrix—STRRB Recommendations after Public Hearings 11-14-19 Letter

| STR Revisions and Recommendations Matrix- STRRB 11/14/2019 Letter | | | | |
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| Recommendations needing no legislative change | | | | |
| 6 | Concerns were raised by several (citizens) related to STR renters not properly using private roads. | Add provisions to the form House Rules related to the use of the private roads by STR renters. | The “Language that shall be included in the Written Lease and/or House Rules for Short-Term Rentals” form can be amended to address this issue. | |
| 16 | Improve information on complaints provided to citizens. | Since the August public comments, County Staff amended the County website and added a list of the ways that a citizen can make complaints related to an STR (County Code Compliance staff, the STR Helper 24/7 hotline, the Owner/Resident Agent, non-emergency law enforcement phone number, or to the Board itself.) County Staff also added the phone number to the County Code Compliance staff, to the STR Helper 24/7 hotline, and to the form notice letter that applicants must send to neighbors. | As noted, the County webpages have been amended to address this issue. Notices to neighboring properties now include the 24/7 hotline number. Host Compliance will automatically contacts both the resident agent and applicable County Code Enforcement staff. | |
| 17 | Maintain a list of STR violations for citizens to be able to access. The Board considered requesting that the County maintain a list of warnings and notices of violation issued to STR owners and providing access to the public to that list in some way (on website, possibly). | County Staff offered to investigate the possibility of posting such information on the website. Staff committed to providing any history of complaints or violations to the Board prior to the hearing on a new license. Board members Hall and Suss expressed concern regarding posting violations on a public website, viewing it as an overreach and unnecessary. | This information is available through the Public Information Act (PIA). A request can be filed by any citizen and will be acted upon in accordance with the applicable policy. | |
| 18 | Distribute House Rules more expansively. The Code (190-33.20.D) requires the House Rules to be posted at the property. | The Board would ask that County Staff include sections on guidelines for the use of private roads and guidelines on how to be a good neighbor/renter in such House Rules. | An Easton High School student intern starting in January will work on a graphic document to address good neighbor rules for home posting. This will supplement the STR brochure created by last year’s student intern. | |

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| 19 | Create Summary to be provided to new licensees about next steps and parameters for compliance. | The Board would ask County staff to prepare a document to be given to the applicants at the hearing in the event that their license is granted outlining next steps in the process. (e.g. decision will be issued within 30 days, no rentals are allowed until decision is issued, etc.) | Staff can prepare a “next step” document for distribution to an applicant at the STRRB hearing. | |
| 20 | Provide STR data to the public on the County website. The Board discussed being able to provide certain information to the public related to licensed STRs in the County on the County website, such as: Address of STR, name, address, phone for owner and resident agent, date license was issued and any complaints/violations. | County Staff indicated that they are exploring the capabilities of the current County systems to determine how difficult it would be to add such information to the County website/GIS systems. The Board encourages this process and, if feasible, would ask for implementation of such information dissemination. Board members Hall and Suss expressed concern regarding posting violations on a public website, viewing it as an overreach and unnecessary. | Staff is working with Mark Cohoon to use a local GIS application to map for public viewing on the County’s STR webpage locations that have an active STR license. A link can provide contact information, license expiration dates, etc. We agree with certain Board members that violation information should be obtained through a PIA and not made part of the public interface. | |
| 22 | Change the type of sign posted by County Staff before a Board Hearing. T.C. Code 190-63.2.I.3. requires the County Code Compliance Officer to post notice of the Board Hearing for new applications. The current signs indicate that the action is a “Pending Zoning Application”. | The Board requests that the County explore expending monies to have 10-20 short term rental specific signs made so that it is more clear that the pending action is an application for a short-term rental. | The Department of Planning and Zoning has already purchased 24” X 6” piggy back signs that state “SHORT-TERM RENTAL” and are attached to the top of our Zoning signs. | |
| Recommendations appropriate for legislative consideration at this time | | | | |
| 1 | Definition of Resident Agent. Currently there is no formal definition of a resident agent in the Code. However, Code Section 190-63.2.C allows the applicant to retain the services of a resident agent, who must have a home or office within 30 miles of | Add to Chapter 190; Duties of Owner or Resident Agent: The Owner and/or Resident Agent shall immediately investigate any complaint, from whomever received, of a violation of Section 190-33.20 of the Talbot County Code. Upon determining that a | We agree with the Board’s recommendation regarding language for the role of Resident Agent and also propose the following definition. Using the APA dictionary for guidance, staff suggests language similar to the following: | |

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| | the short-term rental unit and can respond to the unit during periods of rental. | violation has occurred or is continuing to occur, the owner and/or the Resident Agent shall request that any occupant of the short-term rental facility that he or she owns or for which he or she is serving as resident agent shall immediately cease and desist from any and all violations. | Resident Agent – A person authorized in writing by the property owner to represent and act for the property owner in contacts with STR renters, County employees, committees, boards, commissions, and the council, regarding matters regulated by the Talbot County Code. | |
| 2 | Change of Resident Agent. There is nothing in the Code that requires the license holder to inform anyone if the Resident Agent changes. | Add a provision that the license holder must notify the County immediately if the Resident Agent no longer represents them and shall notify the County in writing no later than 15 days after the end of such representation with the name and contact information for a new Resident Agent. | This can be accomplished by a text amendment, or an amendment to the application, or both. | |
| 4 | When new applications may be filed. New applications are only accepted in January, February, July and August (TC Code Sec. 190- 63.2.B). Renewals are to be filed at least 60 days prior to the expiration of their license. (TC Code Sec. 190-63.3.A) | The Board recommends that new applications should be able to be filed year round. | Staff has no objection either way. | |
| 5 | 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 Board hearing on the issuance of their license. | The form application should be amended to ask an applicant if the property has a right of access over a private road. If the property has a right of access over a private road, all other owners of properties who also have a right of access to such road should be notified of the filing of such application, in the same manner that others are notified under Talbot County Code Sec. 190-63.2.F.1. | This amendment would need to be addressed in the Code and on the application forms. Staff concurs with the recommendation to notify all owners on a private road regardless of the distance from an STR. | |
| 7 | Number of Notices for New Application. Current law requires new applicants to send a notice of the filing of their | Change the Code such that only one notice is sent. That notice should be sent at least 21 days before the Board Hearing to the persons | Staff agrees with the requirement for a single notice. Since this notice will be identifying a neighboring property as a proposed new short-term rental; as | |

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| | application (T.C. Code Sec 190-63.2.F) as well as notice of the Board hearing (T.C. Code Sec 190-63.2.I) to certain persons. | identified in T.C. Code Sec. 190-63.2.F.1. Delete provisions related to a notice being sent at the time of application (e.g. T.C. Code 190-63.2.F.3). However, the Board asks that the Council consider asking County staff to find a way to post a list of all applications and associated property address/owner information as applications are filed. This would increase overall efficiency, reduce costs, and provide improved access to information by the citizens of Talbot County. | well as, providing notice of the public hearing date, we agree with advanced notice of no less than 21 days for the benefit of the recipient. For major subdivisions and major site plans, notices must be postmarked at least 15 days prior to the meeting or hearing. | |
| 8 | Method of mailing notice. Current law for notice of application: certified mail, return receipt requested or other shipping carrier with adult signature required (190-63.2.F.2) Current law for notice of hearing: certified mail (190-63.2.I.4). | Since the Board has decided to eliminate one mailing and thereby reduce mailing costs, the Board recommends that such notice should be mailed via priority mail with delivery confirmation. This option allows for further efficiencies, since the United States Postal Service provides delivery confirmation on these types of mailings online. | Staff agrees with the requirement for priority mail with delivery confirmation. | |
| 9 | Allow inspections to be done before filing a new application. T.C. Code Sec 190-63.2.C seems to imply that inspections may only be done after the filing of a new application. | Allow inspections to be done before the filing of a new application, but such inspection reports should be dated within 45 days of the filing of the application. | Staff agrees with this amendment. | |
| 10 | Clarify that third-party IRC inspections are allowed for new applications. T.C. Code Sec. 190-63.2.C 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. | Clarify the law such that third-party building inspections, by certified inspectors, are allowed. | Staff supports this requested amendment to require all third-party inspectors to be ICC certified. | |

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| 11 | Allow third-party inspections for potable water and sanitary facilities. The STR operating guidelines in current law 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 Department rules for potable 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) | The Board would recommend amending the Code such that the use of third-party inspectors for potable water and sanitary facilities, if the Health Department agrees to such a change and such inspectors have some type of licensure or certification. | This recommendation has been sent to and is pending comment from Anne Morse, Director of Environmental Health Department. In talking with EH staff, if this is supported by the Director and Council, they want to ensure new regulations would include; establishment of criteria for inspection, who interprets the results of the 3 rd party inspection, who notifies the owner of failed inspections or re-inspections, etc. | |
| 12 | Add a requirement that all STR advertising must be consistent with the parameters of the law, license and house rules. There is no such requirement in current law. (e.g. no special events, no fireworks, total occupancy). | Add a provision to the Code that all STR advertising must be consistent with the Talbot County Code and the house rules promulgated by the Department of Planning and Zoning. | Staff understands the concern; however, some of the advertising noted applied to the use during periods when the home was not used as an STR. | |
| 13 | Correct errors or inconsistencies. The Board considered the errors and inconsistencies that were included in Bill 1413, which was allowed to lapse by Council. | 190-33.20.C. Insert International Code Council (ICC) 190-78. Terms Defined: SHORT-TERM RENTAL-replace one night with three nights. TRANSIENT OCCUPANCY-strike "or licensed short-term rental" | Staff supports these amendments. | |
| 14 | Clarify that the per bedroom occupancy requirement also applies to accessory dwellings that are rented. T.C. Code sec 190-33.20.C.1 is not clear that the occupancy limit also applies to accessory dwellings that are rented, and not just the | 190-33.20. Short-Term Rental * * * C. Operating guidelines. 1. The maximum number of persons permitted to be on-site associated with any short-term rental shall be limited at all times | Staff supports this proposed amendment. | |

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| | primary dwelling. | 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 accessory dwelling. | | |
| 21 | Only one lease per rental. The Board discussed adding a requirement similar to the Town of Easton's requirement for one lease per rental period per property. In effect, not allowing sub-leases or leases of a part of the property. | The Board would ask that the Code be amended to disallow more than one lease per rental period per property. | Chapter 190 contains similar language to prohibit subleasing of an accessory dwelling on a parcel. Suggest adding language that states: "A tenant shall not sublease a dwelling used for short-term rental." | |
| Recommendations needing further discussion or research | | | | |
| 3 | Add requirement for a carbon monoxide detector. Current law does not require such a detector. | The Board recommends that short-term rental properties in Talbot County should be required to have carbon monoxide detectors. | If this recommendation is supported, the language should be clear to only apply to a dwelling in accordance with the IRC (fuel fired appliance). | |
| 15 | Require Owner to be present at new application hearings. It is not clear under the Board's Rules of Procedure if Owners are required to be present at Board Hearings or if they may be represented by their Resident Agents at such hearings. | It is the Board's preference for Owners to be at such Hearings unless there are special circumstances. The Board had one case where the elderly owners lived overseas and could only obtain visas to be in the country for limited periods, for example. The Board asks that their Rules of Procedure be amended to require the owner to be present, but in the event of an unusual circumstance, allow such appearances to be via telephone, or, only in exigent circumstances, for the person to be represented by their Resident Agent so long as the Resident Agent is fully able to answer questions related to the property and the Owner understands that their Agent's statements in response to questions by the Board are binding upon the Owner. | This is a preference of the STRRB. With the submittal of written correspondence, the Planning Office allows an agent to represent the property owner at all other board or commission meetings. | |

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| 23 | Complete applications. In February, the Board voted that they will not consider applications until the application is complete, i.e. all inspections have been completed, even if there are still deficiencies after application. | The Board recommends that their Rules of Procedure be amended to reflect this position. | If this is the standard for submittal it should be clear to an applicant and included in the Code. | |
| 24.a | Moratorium. Several citizens asked for the Board to recommend a moratorium on the issuance of new licenses. | The Board decided that such proposed changes to the Code were not within their regulatory purview and left any such possible change to the discretion of Council. | The Board is currently reviewing an average of 4-5 new applications per month, including those that missed their renewal deadline. | |
| 24.b | Disallow short-term rentals except in the owner's principal residence. Several citizens asked the Board to recommend that only properties that are an owner's principal residence should be allowed to function as short term rentals in Talbot County. | The Board decided that such proposed changes to the Code were not within their regulatory purview and left any such possible change to the discretion of Council. | In contrast, several citizens noted that many STRs are future retirement homes, long standing family homes or used for their own family "vacation" destination and are rented to supplement the cost of improvements and maintenance. | |
| 24.c | Change version of the Building Code. A few citizens asked for the Code to be amended to require compliance with the version of the building code currently adopted by the State of Maryland rather than the 2003 version adopted by Talbot County in the current Code. | The Board decided that such proposed changes to the Code were not within their regulatory purview and left any such possible change to the discretion of Council. | The Code actually requires compliance with the most recently adopted Building Code. Talbot County has a significant number of historic homes constructed prior to 2003, some are listed on the MD Inventory of Historic Properties where exterior (and possibly interior) modifications could cause them to lose their status. | |
| 24.d | Allow grandfathering of Building Code. Several citizens asked the Board to allow homes built under previous versions of the Building Code to be exempted from requirements to follow versions of the Building Code put into law after the homes were built and allow those homes to be licensed so long as they were in compliance | The Board decided that such proposed changes to the Code were not within their regulatory purview and left any such possible change to the discretion of Council. | Same as 24.c above. | |

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| | with the Building Code in place at the time that the home was built. | | | |
| 24.e | Treat short-term rentals the same as B&B's and hotels/motels. Several citizens asked the Board to ensure that the requirements for short-term rentals be the same as for bed and breakfasts and hotels | The Board decided that such proposed changes to the Code were not within their regulatory purview and left any such possible change to the discretion of Council. | These other uses do not require inspection for compliance with IRC. They do include onsite management and has a distance requirement between and are allowed to host special events. | |