



# Short-Term Rental Policy Considerations

Land Use Planning Commission Meeting

November 8, 2023

Land Use Planning Commission

DEPARTMENT OF  
Agriculture, Conservation & Forestry

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## Why Consider STRs Now?

- Growth in STRs statewide
- Increase in complaints regarding STRs in the LUPC's service area, including:
  - noise
  - parking
  - trash/litter
  - dwelling/wastewater system capacity exceeded
  - pets
  - firearm discharge
  - snow removal/dumping
- Ongoing efforts across the state and nation to address issues and impacts of STRs
  - Many municipal ordinances in past few years
  - Legislative considerations in recent sessions with more to come
  - The National Fire Protection Association is considering national standards for STRs

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## Commission Study of STRs - Process to Date

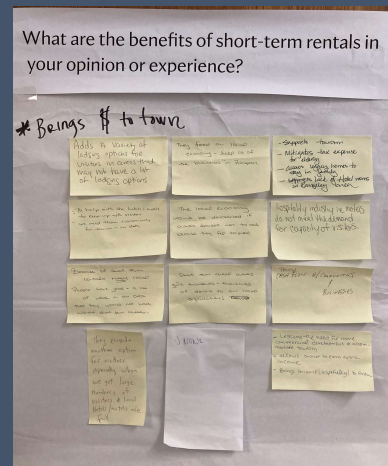
- March 8, 2023 Commission Meeting Item
  - STR activity in the UT
  - Regulatory approaches of other jurisdictions
  - Recommendation from staff
- Regulatory recommendation for non-commercial STRs =  
Require notice of STR activity in conjunction with STR-specific standards
- Commission recommended obtaining public input on STR activity and the regulatory recommendation
  - Community meetings held and written public comment period open through August 15, 2023

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## What are the benefits of short-term rentals in your opinion or experience?

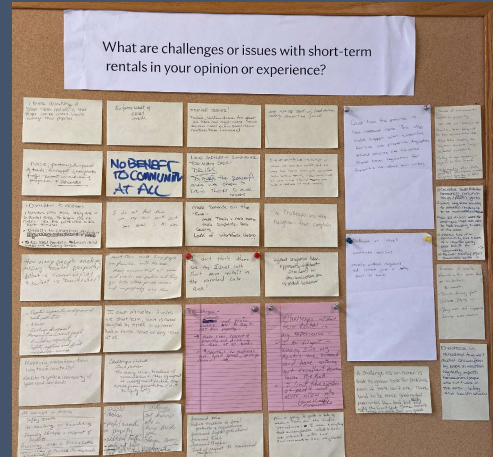
- Provide income for the owner
- Positive impacts on the local and state economies, including job creation, lodging taxes, and increased business for local vendors, restaurants, and businesses
- Address a shortage of beds available through more formal lodging facilities like hotels, motels, inns, and campgrounds
- Provide an opportunity for a diversity of visitors to enjoy Maine and who may become new future residents
- More accommodating lodging for families than hotels, motels, and inns
- There are no benefits to STRs



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## What are challenges or issues with short-term rentals in your opinion or experience?

- Occupancy and septic system capacity and the potential water quality impacts from overuse were common concerns
- Nuisance issues, including noise, loud parties, trespassing, traffic/road damage, trash/litter, outdoor lighting, outdoor fires, fireworks, unmanaged pets, improper use of ATVs, boats, and snowmobiles, and inappropriate parking of vehicles including blocked emergency vehicle access
- Lack of communication channels to owners

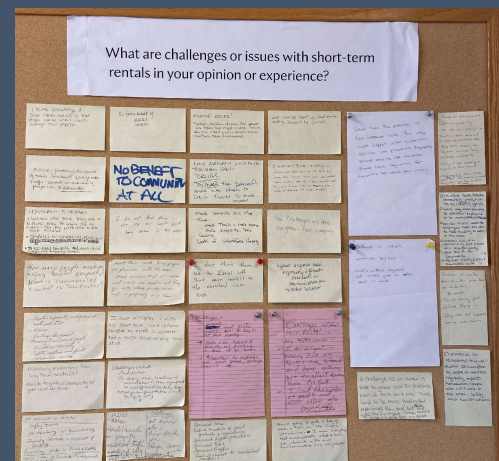


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## What are challenges or issues with short-term rentals in your opinion or experience?

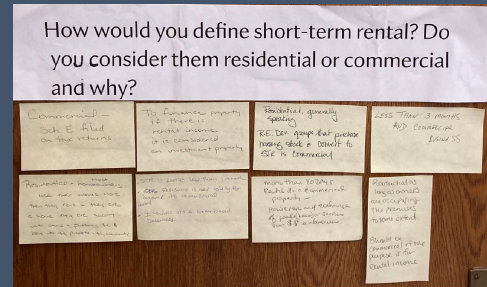
- Loss of community and neighborhood character
- Impact on the availability of long-term housing
- Fire safety, drinking water safety, and guest safety in general
- Impacts on roads and trails due to an increase in vehicular traffic, including ATVs and snowmobiles
- Increase in solid waste handling and disposal costs
- There are no issues or challenges with STRs



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## How would you define short-term rental? Do you consider them residential or commercial and why?

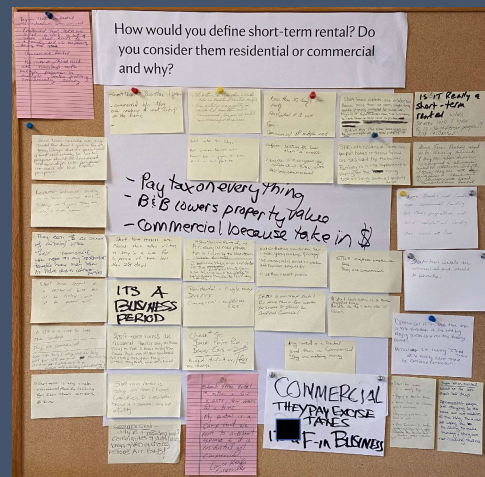
- A common response was a property rented for 30 days or less
- Some commenters noted the frequency a property was rented (e.g., 25% of the time)
- Some commenters considered it important whether the property was owner-occupied for all or a portion of the year



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## How would you define short-term rental? Do you consider them residential or commercial and why?

- Some commenters identified STRs as a residential use in general or tied its status as residential to some extent of owner occupancy
- Some commenters believe STRs fit under LUPC's current definition of commercial use
- Some commenters believe that STRs are commercial when they have certain characteristics such as paying lodging tax, hiring a property management company or paying for other services, are organized as an LLC with multiple properties, advertise units for rent, or unrelated persons are staying at a single dwelling

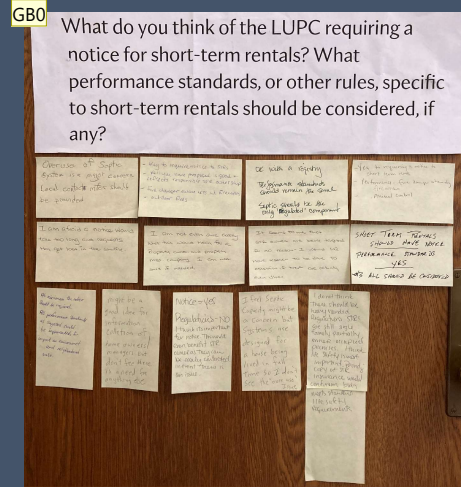


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## What do you think of the LUPC requiring a notice for short-term rentals? What performance standards, or other rules, specific to short-term rentals should be considered, if any?

### Notice:

- Support for the concept of requiring notice was a common response
- Some commenters were opposed to any regulation of STRs, citing concerns about the impact of regulation on the economy and infringement on property rights
- Several commenters felt that a notice was not enough and that a permit would be more effective
- Some stated that STRs should be restricted to non-residential subdistricts or only require notice if it is considered a commercial or home-based business

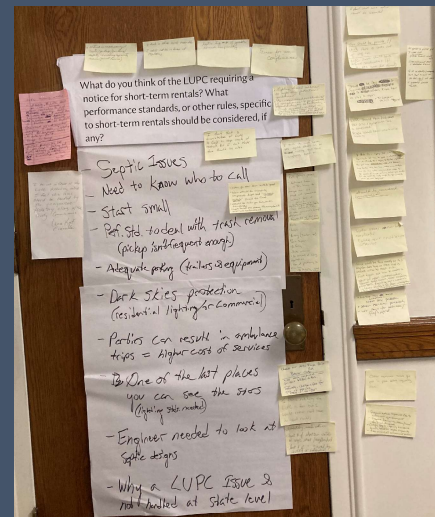


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## What do you think of the LUPC requiring a notice for short-term rentals? What performance standards, or other rules, specific to short-term rentals should be considered, if any?

### Standards:

- Multiple commenters expressed support for a standard that required contact information in case of an issue
- Multiple commenters expressed support for limiting occupancy based on the capacity of the septic system
- Some commenters suggested standards for noise, lighting, trash disposal, parking, and buffering
- Multiple commenters expressed concern about the LUPC's ability to enforce new regulations on STRs
- Some commenters noted that nuisance complaints and wastewater regulation may not be something the LUPC has jurisdiction over



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## Recommended Regulatory Approach – Overarching Goals

- Start with a simple system that is easy to understand and can be modified going forward;
- Respond to public comments we heard during the outreach this summer;
- Collect data over time on STR activity in the LUPC service area by requiring a notice;
- Begin with an approach that is less burdensome for STR owners and LUPC staff than a permitting process – if needed, further regulation could be explored in the future;

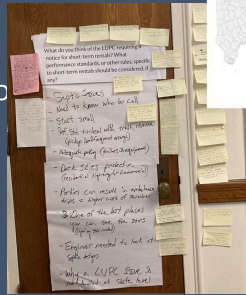
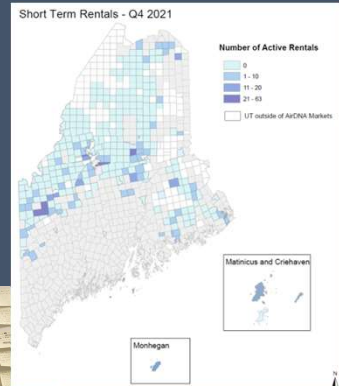


Image Source

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## Recommended Regulatory Approach – Overarching Goals

- Implement minimal standards that apply to all STRs with a focus on environmental impacts and renter safety, and use the notice as one way to communicate standards to property owners;
- Recognize the challenges and limitations in terms of enforcement of standards for STRs, but clarify the basis for enforcement when warranted;
- Provide best practice information to STR owners, renters, and neighbors, in the form of guidance materials accompanying the notice form; and
- Simultaneously roll out both the STR and accessory structure rulemakings for more effective communication regarding these new notice requirements.

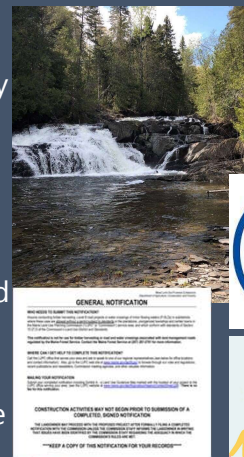


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## Recommended Regulatory Approach – Proposed Rule Changes

- Define short-term rental in Chapter 2 and update other implicated definitions as needed;
- Amend use listings as appropriate to reflect that STRs are allowed in accordance with standards or by permit if they exceed the occupancy standard in zones that allow dwellings;
- Create activity-specific standards, including the requirement to provide notice;
- Create a notification tracking system; and
- Develop outreach materials to introduce the new system concurrently with information about best practices for STR property owners.

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## Recommended Regulatory Approach – Conceptual Standards

- Written notice required for new and existing STRs;
- A maximum allowable occupancy not to exceed two persons per number of bedrooms in the STR unit (residential campsites and bunkhouses would also have defined occupancies);
- The subsurface wastewater disposal system that serves the short-term rental would need to comply with all applicable Subsurface Wastewater Disposal Rules;
- Information would need to be posted in the rental identifying a local contact person with 24-hour contact information and the E-911 address or other specific information describing the property's location;
- Sufficient off-street parking must be provided on the property for guests and to allow for access by emergency vehicles; and
- Provision must be made for regular solid waste disposal.

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## Commissioner Feedback

The staff seek guidance from the Commission regarding:

1. This overall approach to the regulation of STRs;
2. Additional information the Commission may need as it considers this approach; and
3. Feedback on a timeline and process for potential rulemaking.

If the Commission would like to move forward with rulemaking, staff could prepare draft rule revisions and a sample notice form for consideration at the January Commission meeting for posting to a public comment period.

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Questions and Comments?

*Thanks for your time!*

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