

Cumberland County Planning Department

Short-Term Rental (SR) Guidelines

Introductory Note

The Cumberland County Planning Department developed this guidance document through review of a variety of ordinances, analyses, and white papers specifically focused on short term rentals. The Planning Department does not endorse or recommend implementing all of the guidelines described below. Rather, the Planning Department encourages municipalities to examine the issue of SRs in the local context to determine what, if any, regulation is needed.

What is a Short-Term Rental?

A SR is a dwelling unit that is typically rented for a period of less than 30 consecutive days. SRs can be a single family house, a townhouse, an apartment, or even a single room in a house. They provide renters complete living facilities including sleeping, eating, and sanitation. SRs are offered for rent on a variety of online platforms that connect property owners and managers with prospective renters. SRs often operate without the knowledge of local governments or even adjacent property owners as the reservation is a private transaction between two parties.

SRs are similar to other common uses but can differ in the following ways:

Similar Uses	How Similar Uses Differs from SR
Bed and Breakfast	<ul style="list-style-type: none">• Has on-site manager• Provides breakfast
Boarding Houses	<ul style="list-style-type: none">• Common, rather than individual kitchen and dining facilities• Less turnover
Hotel/Motel	<ul style="list-style-type: none">• Separate entrances to rooms• On-site manager• May serve food

Are SRs present in my community?

SRs have wide appeal and are found throughout Cumberland County. An online search of sites such as VRBO, AirBnB, HomeAway, GameDayHousing, and even Craigslist will likely reveal that SRs are available and being used in your community.

Are SRs good or bad for my community?

SRs can have both positive and negative impact on a community as outlined in the table below.

SR "Pros"	SR "Cons"
Supports tourism by providing additional supply for overnight stays	Noise, trash, nuisance, traffic, etc. Increased housing rental costs
The occupancy of potentially vacant units will benefit the owner and add to the neighborhood character	Unfair competition with other similar uses such as bed and breakfasts that are held to higher regulatory standards
Rental income for owner	Reduces housing stock available to permanent community residents
Generates hotel tax revenue for tourism if such taxes can be collected	May decrease property value of surrounding homes if not maintained

Should SRs be regulated?

Municipalities must closely scrutinize SRs as a land use and determine if they warrant regulation. Municipalities should clearly cite the reasons why SRs regulations are necessary and try to keep those regulations as narrow as possible to achieve the specified regulatory purpose. Commonly cited reasons for regulating SRs include:

- Protection of neighborhood character
- Property maintenance / appearance
- Public and renter safety
- Revenue generation
- Fair competition with similar uses

How can SRs be regulated?

SRs can be regulated using a variety of tools that are linked to the municipality's purpose and intent for adopting such regulations. SRs can be regulated through existing zoning, subdivision, and building codes through modification of existing provisions or adoption of new standards. Alternatively, municipalities may adopt a separate standalone ordinance that specifically addresses SRs. If SRs are regulated as a separate use, they should be clearly defined and differentiated from other similar uses. The table on page 3 identifies commonly cited reasons for regulating SRs and the associated tools that respond to those reasons.

What about enforcement?

Enforcement of SRs can be challenging and consume considerable municipal resources. In many cases SRs are not currently registered in the host municipality and new units are added or removed from online inventories every day. Thus, municipalities must spend time and effort to identify where SRs are currently operating. Online listing sites do not include addresses or contact information for property owners until a reservation is made. Municipalities must rely upon their local knowledge of units shown on listing sites to determine the address and make contact with SR property owners. In high demand locations, enforcement penalties are built into SR business models and often do not deter owners from continuing illegal SR activity.

SR Regulatory Purposes, Tools, and Considerations

Purpose of SR Regulation	Regulatory Tools/Issues	Considerations
Protect neighborhood character	Limit SR to certain zoning districts	<ul style="list-style-type: none"> • SRs may be more appropriate in higher density residential districts or mixed use districts where rental units are more commonly found. • Conditional uses / special exceptions could be used to provide additional review in certain zones. • Municipalities may consider prohibiting SRs in certain zoning districts predominately comprised single family detached homes with high ownership rates.
	Regulate reported impacts of SR: <ul style="list-style-type: none"> • Traffic • Parking • Noise • Trash disposal 	<ul style="list-style-type: none"> • SRs may generate parking demand not commonly associated with other residential uses. • Municipalities may use existing parking regulations to require a certain number of onsite parking spaces based upon the number of rooms for rent and/or provide for guest spaces as appropriate. • Parking regulations may restrict certain types of recreational vehicles. • SRs may result in more noise than normal residential uses when used by out of town visitors. Municipalities should examine how existing noise and nuisance ordinances can address any noise complaints associated with SRs. • SRs may generate trash that exceeds normal residential uses. Trash storage and screening regulations found in zoning, subdivision, and/or property maintenance codes can be applied where appropriate.
	Require SR license	<ul style="list-style-type: none"> • SRs often operate without the knowledge of the municipality; thereby leaving the municipality limited opportunities to address problems. • Municipalities could require SRs to secure a license through existing zoning regulations or standalone ordinances that would include the following information from the owner: <ul style="list-style-type: none"> ○ 24/7 contact information for the property owner. ○ Identification of the number of units rented ○ Owner’s authorization for any required municipal inspections ○ Hotel sales tax documentation

Purpose of SR Regulation	Regulatory Tools/Issues	Considerations
Protect neighborhood character		<ul style="list-style-type: none"> ○ Parking/utility capacity
	Limit the number, density, and/or maximum occupancy of SRs	<p>Municipalities can limit the impacts of SRs by controlling the number, density and occupancy through zoning regulations or developing standalone SR ordinances. Common techniques include:</p> <ul style="list-style-type: none"> ● Limiting the number of bedrooms. ● Limiting the number of day visitors and overnight occupants. ● Limiting SR use to a specified percentage of floor area of the dwelling (i.e. 30%-50%). ● Limiting the number of rooms a SR can have in each house. ● Limiting the number of SRs in a given location (i.e. certain zoning district) or in proximity to one another (i.e. within XX feet of another SR).
	HOA approval	<ul style="list-style-type: none"> ● Homeowner’s Associations (HOA) often have private regulations outside of the purview of municipal ordinances. ● Municipalities can require HOA notification/approval through a licensing process which assists the municipality in monitoring and enforcement of SRs.
Property maintenance and appearance	Property Maintenance Codes	<ul style="list-style-type: none"> ● Poorly maintained SRs should be addressed through property maintenance codes that are applied to other similar uses.
Public and renter safety	Require compliance with building code standards	<ul style="list-style-type: none"> ● SRs should meet Uniform Construction Code (UCC) requirements in same manner as other similar uses. ● UCC compliance inspections should be authorized by the owner during the licensing process. ● Require that all SRs have smoke alarms, carbon monoxide detectors, fire extinguishers, etc.
	Mandatory designated representative contact info available 24/7 to deal with complaints/issues	<ul style="list-style-type: none"> ● The municipality should consider requiring an emergency contact that is available 24/7 for noise complaints, tenant concerns or general maintenance issues. This emergency contact should be located nearby to respond to calls. ● Requiring posting of such information in the SR unit ensures renters can secure assistance if needed.

Purpose of SR Regulation	Regulatory Tools/Issues	Considerations
Public and renter safety	Commercial insurance	<ul style="list-style-type: none"> • The SR should provide evidence to the municipality that insurance to protect the dwelling is adequate for a commercial use and surrounding properties. • Tenants and their property should be covered under the policy.
Revenue generation	Require registration of SRs	<ul style="list-style-type: none"> • A list of SRs as provided during the registration process (noted above) should be provided to local and county agencies for remittance of hotel taxes.
Fair competition with similar uses	Zoning, Subdivision and Property Maintenance codes	<ul style="list-style-type: none"> • Similar uses are often required to meet higher regulated standards than SRs that cost property owners' considerable time, effort, and money. • Define and regulate SRs the same as other use through zoning, subdivision, property maintenance and building codes.