



TOWN OF SUNAPEE
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SHORT-TERM RENTAL (STR) REGULATIONS

These regulations have been adopted by the Town of Sunapee Selectboard pursuant to RSA 41:9-a 41:11-c and are effective as of July 10th, 2023.

A Short-Term Rental (STR) is defined in the Town of Sunapee Zoning Ordinance 4.95. It shall not include bed & breakfasts, inns, or hotel/motels. This Selectboard regulation shall consider the short-term rental of a property to be a non-residential, commercial use.

STR Regulations:

- The owner(s) of each STR unit regardless of zoning district must apply for and receive a Short-Term Rental permit issued by the Town of Sunapee. The STR permit application fee is \$350 (effective 7/10/23).
- All STR permits expire one year after issuance. The renewal fee is \$350 (effective 7/10/23).
- The owner(s) of each STR unit must pay the State of New Hampshire NH Meals and Rooms Tax.
- The owner(s) of each STR must designate a responsible person who is available 24 hours per day, 7 days per week, and available in-person within 2 hours - if needed - to respond to and resolve complaints.
- Renters must be provided with a handbook containing the STR address, emergency contacts for owner(s) and/or their designees, local hospitals, recommended best practices, beach regulations, and transfer station information.
- Owners are solely responsible for complying with STR requirements regarding the renters' information notice, and advertising requirements; complying with all Town Ordinances, state and federal laws, and ensuring that the STR is not a threat to the public health, safety, or welfare of the town.
- Short-Term Rentals in the Rural Residential and/or Rural Lands zoning districts from **December 1, 2020-December 1, 2022** are considered nonconforming Pre-existing Transient Occupancies and do **not** need to seek a Special Exception or Variance **if** they can provide evidence that the property was being used as a Short-Term Rental during that time and that the State of NH Meals and Rooms Taxes were being paid.
- Short-Term Rentals (those that began operating after December 1, 2022 OR those that cannot provide sufficient evidence of rental history and/or payment of Meals and Rooms Tax) in the Rural Residential and/or Rural Lands zoning districts must comply with Section 4.95 of the Zoning Ordinance and apply for a Special Exception or Variance, as applicable.

Denial, Revocation and Suspension

- A STR permit may be suspended for up to 150 days for the following reasons:
 - If STR owners or renters are found to have violated two or more Town Ordinances within a 12-month period.
 - Failure to file or pay applicable NH Meals and Rooms Tax for all STR rentals, including those booked outside of the Air BnB and VRBO platform. Taxes must be paid on **all** short-term rentals, regardless of how they are booked by the owner and renter.
 - Failure to pay annual permit application fee. Permit will be suspended until the fee is paid.
- A STR permit may be revoked up to 1 full year for the following reasons:
 - More than one permit suspension within the past year.
 - Misleading application materials.
 - Operation of STR during a suspension.
 - Any conditions that would have warranted a denial of permit at the time of application.

Administrative Appeal Process

An STR owner or their designated person(s) may appeal a denial, suspension, or revocation of the STR registration permit to the Town Manager and shall be entitled to a hearing before the Selectboard if unable to come to an amendable outcome with the Town Manager. Said appeal shall be made in writing, stating the grounds for appeal, within five working days of the denial, suspension, or revocation of the permit. In the event of a hearing, the business may continue to operate during the hearing process.

Fines & Penalties

Failure to comply with all terms of the registration process, an issued permit, and all applicable Town Ordinances, and state or federal laws will lead to the following sanctions as provided for in RSA 41:11-c and RSA 676:17. Violations may also be subject to prosecution and fines of up to \$1,000 under RSA 41:11-c.

First Offense: Fine of \$275.00 per day.

Second Offense: Fine of \$550.00 per day. Each day a violation continues shall be a separate offense.

Third Offense and/or subsequent offense: Fine of \$550.00/ day. Each day a violation continues shall be a separate offense. The Selectboard is authorized to revoke the permit for the rest of the year or six months, whichever is longer.

Fine Appeal Process

An STR owner or their designated person(s) may appeal a fine to the Town Manager and shall be entitled to a hearing before the Selectboard if unable to come to an amendable outcome with the Town Manager. Said appeal shall be made in writing, stating the grounds for appeal, within five working days of the date the fee was issued. In the event of a suspension or revocation hearing, the business may continue to operate during the hearing process.

SHORT-TERM RENTAL DEFINITIONS

Short-Term Rental (STR): Any single-family dwelling, two-family dwelling, or single-family dwelling with an additional room, that is being rented for any periods less than 30-days. It shall not include bed & breakfasts, inns, or hotel/motels. A STR is a non-residential, commercial use of the property.

Short-Term Rental (Owner in Residence) – A portion of a dwelling unit or second dwelling unit where transient accommodations are provided for any periods less than 30-days. The landowner must be in residence during the period of any rental.

Short-Term Rental (Owner Not in Residence) – A one or two-family dwelling where transient accommodations are provided for any periods less than 30-days. The landowner does not need to be in residence. Short-Term Rentals of this type shall not include Hotels/Motels, Bed & Breakfasts, or Inns as these are separately defined.

Occupancy Limit – The occupancy limit refers to the number of persons that are permitted per bedroom in an STR, as defined in Article IV, Section 4.95(2) of the Zoning Ordinance.

Dwelling Unit – One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental, or lease, and physically separated from any other rooms or dwelling units which may be in the same structure. For the purpose of this definition, an independent housekeeping establishment includes the following minimum attributes: space devoted to kitchen facilities for the storage, preparation, and consumption of food (including counters, cabinets, appliances, and a sink for washing dishes), space for one or more bedrooms for sleeping, and a bathroom with a tub and/or shower. (A bar equipped with a bar-sink and an under-the-counter refrigerator shall not constitute kitchen facilities.

Dwelling, Single Family – A single residential building containing one dwelling unit designed for occupancy by not more than one family.

Dwelling, Two Family – A single residential building containing two dwelling units, designed for occupancy by not more than two families.

Short-Term Rental Registration Form (STRRF) – Shall mean the mandatory Sunapee Selectboard Registration Form for Short-Term Rental registration.

Owner – Shall mean the recorded titled owner of the dwelling for which a Short-Term Rental registration is sought or has been issued. The owner may be a person, or any form of business entity recognized by the State of New Hampshire that maintains a current registration with the NH Secretary of State's Office.

Designated Person – Shall mean a person, local contact, or business designated by the owner to oversee the property while rental guests are present. The owner's person shall be designated by the owner as a person who can be contacted by the Town and/or by Emergency Services should circumstances require immediate communication and troubleshooting.

Complete STRRF – Shall mean a STRRF that has satisfied all the submittal requirements set forth herein and that otherwise complies with criteria required for issuance of a Short-Term Rental permit.

Short-Term Rental Permit – Shall mean a registration permit that is issued by the Town of Sunapee thereby acknowledging that the owner or their designated person has registered their Short-Term Rental property in the Town of Sunapee.

Bed & Breakfast – Single-family dwelling in which between two (2) and six (6) rooms are used to provide transient sleeping accommodations, and the landowner is in residence during the operation of the bed & breakfast. Breakfast may be served to lodging guests only.

Inns – A single-family dwelling in which between two (2) and ten (10) rooms are used to provide transient sleeping accommodations. The landowner does not need to be in residence, but a duly designated operator must be on site during the operation of the inn. Inns may hold special functions such as weddings, meetings, or other gatherings. Meals may be served to lodging guests or guests at special functions.

Hotel & Motel – A commercial building or group of buildings providing sleeping accommodations for persons on a transient basis. A property will be considered a hotel/motel if it has three (3) or more units and does not meet the definition of a bed & breakfast or inn. Hotel/motel units may not be dwelling units per the definition in the Zoning Ordinance.