

Committee on General, Housing and Military Affairs – Vermont House of Representatives

Subject: Bill S204

Date: 11 April 2018

Testimony by Marty Kulczyk for the Zoning Board of Adjustment – Town of Ripton

Thank you for the opportunity to testify before the committee regarding 204. I am a resident of the Town of Ripton, serve on the Zoning Board and operate a licensed lodging property. I have been very actively engaged with the discussion of short term rentals (STR's) over the past 18 months.

The town of Ripton is a small community in the mountains of central Vermont with a population of less than 600. Like those in this room, we too have noticed the increase in short term rental properties and currently have the following types of properties within our town:

1. Licensed lodging establishments: Chipman Inn, Robert Frost Mountain Cabins
2. Unlicensed lodging establishments: River Stone Lodge
3. Owner occupied STR's where an individual bedroom or two is offered for rent.
4. Non-resident owned properties where the entire home is offered for rent.
  - a. It would be difficult to consider these single family residences as their primary use is a rental to the travelling public.

The current zoning bylaw for the Town of Ripton is 121 pages in length and covers a multitude of topics but does not address rental properties. The zoning board of Ripton takes no position on long term rentals (over 30 days) as they are fully regulated at the state level. We do see a need to develop appropriate controls over short term rentals from a health and safety perspective but have concerns over whether this is a town or state responsibility.

Over the past nine months, the zoning board of Ripton has considered multiple drafts with language similar to S204 and contained the following:

1. Require registration with the Town.
2. Require a "change in use" permit (single family residence to rental property)
3. Provide a list of resources for owner education and awareness regarding Fire and Life Safety, safe drinking water, appropriate wastewater treatment, basic sanitation and Health and Safety practices all intended to safeguard the travelling public.
4. Collect a nominal fee.

This approach relies solely on voluntary compliance and standards set by appropriate VT agencies. Some members of the zoning board question the effectiveness of this approach but understand the desire to balance individual rights to rent against the government's responsibility to insure safety through regulation. While the voluntary compliance approach we considered and contained in S204 seems appropriate for owner occupied single family residences renting a room or two, it feels wholly inadequate for rental properties where the owner does not reside on the property or actual lodging properties not currently licensed by the Vermont Department of Health.

At this time, we remain concerned that there is a growing risk to the traveling public as this segment of the lodging industry expands, but feel that safety and health guidelines are a state responsibility. We do not plan to amend our zoning bylaws with respect to STR's at this time.

It is the view of the Ripton zoning board that primary responsibility for the requirements for lodging properties is and should remain with the VT Health Dept. On its website it clearly states that "Establishments that offer lodging to the traveling public, transient public must apply for a Health Department lodging license." On the application for the license, the second piece of information requested following basic contact details is "Wastewater Permit #" followed by the "Water System Owner/Operator". The guidance goes on to inform the applicant of the requirement to contact the Department of Public Safety regarding fire safety, electrical code and plumbing requirements.

The State of Vermont, through the Health Department, Agency of Natural Resources and Department of Public Safety has already defined what is required to safeguard the traveling public. What remains is a uniform application of standards to all "**lodging businesses**".

What defines a "**lodging business**"? Is there a difference between renting a bedroom infrequently and marketing a home globally for rent as often as possible? It depends who you ask. Perhaps it is whether or not the property is owner occupied. Having an owner in the home allows for direct observation of the water system, wastewater system, condition of alarms, egress routes, etc. The owner is also available for educational outreach regarding updates to basic sanitation or other safety / health concerns. For these properties, S204 appears to be appropriate.

Properties where the owner is not present would seem to represent the greatest threat to the traveling public and are, by their nature, a rental business most aptly covered by the established lodging license requirements. No one is there to monitor the condition of the property nor are owners readily available for educational outreach. This is the area of greatest concern.

### **River Stone Lodge, LLC**

We have been made aware that this was a topic during the committee's April 5<sup>th</sup> hearing.

The Ripton Zoning Board is aware that this 4 bedroom single family residence is now being operated as a lodging property advertising 6 bedrooms and sleeping capacity for 16. We have seen their listing offering this home as a conference center, wedding venue, location for family reunions and other group gatherings. We further understand that it offers a hot tub for guest use.

1. The use of the property does not violate any articles of our existing zoning bylaws.
2. Licensing as a lodging establishment is the sole responsibility of the VT Dept of Health. We understand that the Health Dept has chosen not to require a license.
3. This property does not have a wastewater permit as it was "grandfathered" when it was a 4 bedroom, single family residence. The change in use as advertised on the internet requires a new / updated permit from the VT Agency of Natural Resources. We have no role in this.

4. We are not aware of any inspection of the property by the Fire Marshall as a requirement for a public building which all residences become once they are offered for rent.
5. We have no information or role involved in assessing the condition of the potable water source.

The zoning board of Ripton has no role in the establishment of standards or enforcement of violations to wastewater treatment, Fire and Life Safety, potable water source condition / suitability or basic sanitation practices (hot tub, linen segregation, etc).

Thank you for your time and attention to this matter. Please contact me if I can answer questions or offer clarification.

Marty Kulczyk  
Member – Ripton Zoning Board  
Innkeeper - Robert Frost Mountain Cabins