

TOWN OF YARMOUTH SHORT TERM, SEASONAL, ANNUAL RENTAL FAQ:

- **If I rent my house, apartment, condominium, or room(s) do I need to register?**

Yes. You must register all short term, seasonal or annual rentals each year with the Health Department. It is required by town by-law [Yarmouth---Chapter-108-Rental-Housing-Bylaw](#)

- **Who is required to register a rental?**

The *property owner* or their *agent* is required to register and it's the **owner's responsibility** to coordinate availability if an inspection is required.

- **Is there a penalty for not registering?**

Yes. Failing or refusing to register can result in fines of up to \$300 a day.

- **What is the fee?**

\$80 per calendar year, expiring on December 31st.

- **Where can I find the regulation for Short-Term Rentals (STR)?**

The regulation can be found [Short-Term-Rental-Zoning-Bylaw-2022 \(yarmouth.ma.us\)](#)

- **Where can I register and what is the deadline for registration?**

You can register online [Health - Rental Certificate - ViewPoint Cloud](#), in-person or by mail.

- **Will an inspection be required prior to issuance of the rental certificate?**

It will depend on previous inspections, if this is a first-time rental or if there is a new owner. That will be determined by the housing inspectors.

We will follow up on complaints or concerns identified as part of the registration process or during the rental period. We reserve the right to inspect as needed.

- **What does the Health Department look for when performing an inspection?**

There are several requirements of the State Sanitary Code (105 CMR 410 *which is available in its entirety at [105 CMR 410 \(mass.gov\)](#)*) that apply to an inspection of rental properties. While the list below doesn't encompass all the violations, it includes some frequently encountered ones:

- ❖ Ensuring basic structural safety and overall security of the space you are providing.
- ❖ Having smoke and carbon monoxide detectors, less than 10-years old, on every level and within 10-feet of any sleeping areas.
- ❖ Providing two-means of egress – especially if on a second floor or greater.
- ❖ Properly installed and functioning utilities, appliances, fixtures and plumbing as required.
- ❖ Means for proper storage and disposal of trash and recycling.

- ❖ Screens on all windows and a screen or storm door on egress doors such as front or back doors including sliders to the deck /patio. (From April 1 to October 31st)
- ❖ Electrical panel labeled.

- **How is Maximum Occupancy determined?**

First, we look at your septic system and determine how many bedrooms it was designed for, then we look at # of bedrooms and bedroom size, 70 sq ft for one person and 100 sq feet or more for 2.

(For example, your property has 3 bedrooms and a 3-bedroom septic system, the bedroom measurements are 10x10=100, 12x12=144 and 7x10=70, your maximum occupancy would be 5)

- **What do I do if an occupant files a complaint with the Health Division?**

The Health Division is required to investigate any complaints related to possible violations of the State Sanitary Code. As part of that process, you will be contacted by our office for information and to schedule a site visit.

Please contact the Yarmouth Health Department 508-398-2231 Extension 1240

- **Do I have to pay taxes on the income I make from renting my property?**

Massachusetts has a state room occupancy excise tax rate of 5.7%. Depending on the city or town, a local option room occupancy tax and other taxes and fees may also apply.

The room occupancy excise tax applies to room rentals of 90 days or less in hotels, motels, bed and breakfast establishments, and lodging houses. *Beginning July 1, 2019, the room occupancy excise also applies to short-term rentals of property for 31 days or less.*

For all types of rental accommodations, if the total amount of rent is less than \$15 per day, no tax is due.

Generally, the room occupancy excise is collected and paid to DOR by a person or business called an operator.

As of July 1, 2019, new rules require an intermediary or other agent collecting rent to file returns and pay taxes to DOR.

All operators and intermediaries must register with [DOR on MassTaxConnect](#).