

APPROVED AT THE APRIL 26, 2022 ANNUAL TOWN MEETING

ARTICLE #28 Zoning – Seasonal Employee Housing at Motels/Hotels: To see if the Town will vote to amend various sections of the Zoning Bylaw to modify certain provisions related to Seasonal Employee Housing at Motels/Hotels, with new language shown in bold italics, as follows, or take any other action relative thereto:

1. Amend the Section 404.5.1 - Purpose, by deleting the text “*at motels/hotels*” at the end of the sentence and adding new text as shown:

404.5.1 Purpose: The purpose of this bylaw is to provide standards to ensure safe and adequate housing *at motels/hotels* for temporary seasonal employees *of Yarmouth businesses*.

2. Amend the Section 404.5.3 – Operational Standards for Seasonal Employee Housing at Motels/Hotels, by adding the following new Paragraph 1 as shown, and renumbering the remaining paragraphs:

1. *A Seasonal Employee is considered to be an employee that is employed in Yarmouth for no more than seven (7) months between April 1st and October 31st annually.*

3. Amend the Section 404.5.3 – Operational Standards for Seasonal Employee Housing at Motels/Hotels, by adding new text as shown to renumbered Paragraph 3:

3. Seasonal employees shall be housed in motel/hotel rooms only. Seasonal employees may not be housed in camp sites, tents, RVs, mobile homes or campers located on the motel/hotel property *or timeshare units*.

4. Amend the Section 404.5.3 – Operational Standards for Seasonal Employee Housing at Motels/Hotels, by deleting renumbered Paragraph 4 in its entirety and replacing with new text as shown:

4. *Seasonal employee housing shall meet all local and state regulations, including but not limited to building and fire codes, health codes, water supply and wastewater disposal.*

5. Amend the Section 404.5.3 – Operational Standards for Seasonal Employee Housing at Motels/Hotels, by deleting the text “*employer*” in the first sentence of renumbered Paragraph 7 and adding new text as shown:

7. The *property owner or manager* shall designate an on-site proctor for each property utilized as employee housing. The on-site proctor shall ensure that all seasonal employees are apprised of the rules and code of behavior prior to occupancy. The name and contact information for the on-site proctor shall be submitted to the Yarmouth Police Department *and Building Commissioner*.

6. Amend the Section 404.5.3 – Operational Standards for Seasonal Employee Housing at Motels/Hotels, by adding new text as shown to renumbered Paragraph 9:
 9. No more than 15% of any hotel or motel rooms at a single parcel may be used for employee housing (*fractions shall be rounded to the nearest whole number*). Each room used for employee housing shall be identified on a locus map of the site and submitted to the Building Commissioner, Board of Health and Yarmouth Police Department.

7. Amend the Section 404.5.3 – Operational Standards for Seasonal Employee Housing at Motels/Hotels, by deleting the text “, and” in the first sentence of renumbered Paragraph 11 and adding new text as shown:
 11. The property owner *or manager* shall keep records of all employees utilizing employee housing, including name, permanent address, length of stay, *and place(s) of employment with contact information*. All documentation to be provided upon request.

8. Amend Section 500 – Definitions, by deleting the definition for SEASONAL EMPLOYEE HOUSING at Motels/Hotels in its entirety and replacing with new text as shown:

SEASONAL EMPLOYEE HOUSING at Motels/Hotels – A currently licensed motel or hotel property, a portion of which is utilized to provide temporary seasonal housing for employees or staff, 18 years or older, who are seasonally employed by a business located within the borders of Yarmouth for more than 24 hours per week. All Seasonal Employee Housing at Motels/Hotels shall be conducted in accordance with the definitions, requirements and provisions of Section 404.5 – Seasonal Employee Housing at Motels/Hotels.

Explanation:

This Article was developed in collaboration with the Yarmouth Community Partnership, a subcommittee of the Yarmouth Chamber of Commerce, to help address the temporary housing needs of seasonal workers, mainly J1student and H-2B visa workers needed to support our tourism economy. Currently, our Zoning Bylaw allows for motels/hotels to use up to 15% of their rooms to house their own seasonal employees (April 1st thru October 31st), along with a list of provisions they need to meet including having an on-site proctor, access to cooking facilities, and an annual permit issued by the Building Department. This Article would expand the pool of seasonal employees who can stay within the designated 15% of a hotel/motel rooms from just employees of the hotel/motel owner to employees from other Yarmouth businesses.

Board of Selectmen Recommends (5-0)
 Planning Board Recommends (4-0-1)

(Yarmouth Planning Board)

2/3 Vote Required