



## Get the Green Light: Renew a Londonderry STR License (And, avoid noncompliance with the Short-Term Rental Ordinance)

NOTE: All owners and operators of STRs are obligated to read the STR Ordinance, which provides the legal requirements and guidelines to STR activity in Londonderry. The application steps below do not represent or replace the full STR Ordinance.

### How to Get the Green Light

- \* Renewal form completed and submitted to STR Administrator.
- \* Annual STR License fee paid to Town of Londonderry.
- \* Property taxes and municipal fines: no overdue or delinquent taxes or unresolved fines at the time of application.
- \* Complete rental activity records submitted, from July 1 of the preceding licensing year to the date of application; include dates and duration of every rental.
- \* Meet the deadline. There are two periods for STR License renewal: May 15 - June 15 (period 1) and October 1-December 1 (period 2). Any STR owner-operator wishing to continue rental activity in July—the new STR licensing year—must apply in period 1. An applicant focused only on winter-season rentals or who misses the period 1 deadline, may apply in period 2. There is no change of annual fee based on renewal date (period 1 or 2). An STR license holder who does not renew in either period will be treated as a first-time applicant if or when they apply again.
- \* Update if necessary the State of Vermont self-reporting form for STRs, submit form to the Town and post in the rental. Owner-operator will attest that the self-reporting form remains true and accurate.
- \* Schedule your on-site inspection of the rental property.
- \* [For an Unhosted rental] Make sure your Designated Agent acknowledgment form is completed, signed, and returned to the Town.

\* NOTE: A complete renewal application will produce a status update:



if GREEN LIGHT status, applicant will be provided with an STR license number and license placard for the July 1 - June 30 STR licensing year. (The new STR license number must appear in all online advertising of the rental; the license placard must be displayed in plain view in the STR.) Then, rental activity may continue.



if AMBER LIGHT status, the applicant will receive a STR License hold (with a 30-day expiration), requiring corrections or additions to the rental unit specified by the STR Administrator. AMBER status means a minor deficiency, with an easily corrected condition that does not substantially affect life-safety or health. Once that minor deficiency is corrected to the satisfaction of the Town, status will change to GREEN and an STR License number will be issued. Then, rental activity may continue.



if RED LIGHT status, the applicant will receive a denial of the STR license due to a specified life-safety violation(s). If an applicant receives a denial, they may submit a Compliance Plan petition to the STR Administrator (see Compliance Plan). If a Compliance Plan is approved by the Town, the annual license fee will remain as a credit toward STR licensing. If the Plan is rejected, the annual fee will be refunded to the Town, minus a \$150 application fee.



## Noncompliance with STR Ordinance:

\*Action or inaction that leads to a municipal violation (a ticket), which must either be paid through the Vermont Judicial Bureau or contested through a VJB hearing.

- 1) Advertising an STR before receiving a town-issued STR License: the STR Ordinance requires registration, which includes receiving a license from the Town and an individual license number valid for one year (July 1-June 30).
- 2) Advertising an STR without including a current, valid STR License number.
- 3) Booking STR stays without using an online lodging platform, or by offering off-platform reservations and rentals.
- 4) Exceeding rental occupancy, as specified on the STR license. Either by advertising—via verbal description or photographic presentation—for more guests than the issued STR License, or by adding sleeping space capacity greater than the issued STR license allows. (See Londonderry STR Ordinance on Dwelling Unit Capacity.)
- 5) Removal or disabling the life-safety equipment after inspection; any change to Smoke or CO alarms that renders them inoperable after State Fire Marshal or Town of Londonderry safety inspection, or any obstruction of the required two exits from a sleeping space.
- 6) Failure to provide timely access to town official for property inspection.



\* Action or inaction that results in the denial of an STR License application or in the revocation or suspension of an existing STR License: events that may be presented to the Rental Housing Appeals Board (RHAB):  
(See Rental Housing Appeal Board document)

- 1) False documentation or information at any step of the application process (this includes posting inaccurate information on the required VT Short-Term Rental Safety, Health and Financial Obligations form)
- 2) A notice of STR application denial by STR Administrator
- 3) A notice of STR License revocation or suspension by STR Administrator
- 4) A one-year ban from STR licensing and activity due to accumulation of municipal violations

[Note: The RHAB will not hear an appeal from a first-time STR applicant whose license application was denied because it was submitted incompletely or—in the case of a renewal application—after the published deadlines.]



\*Compliance Plan, category 1: when an STR applicant fails the life-safety requirements during a property inspection, they are not granted an STR license. An application denial will be issued. Within thirty (30) days of receiving this denial, an applicant may submit a written Compliance Plan to the STR Administrator. If the Plan is accepted, the application fee will be held as a credit and the application will be placed on hold pending the satisfactory completion of the Compliance Plan.



\*Compliance Plan, category 2: when an AMBER status is issued, it will specify minor corrections that must be made within 30 days. If those corrections are not made within 30 days, an extension request must be filed by Day-30, to avoid denial of the STR application. This is a category 2 plan. A category 2 plan accepted by the Town will maintain an active application.

### Compliance Plan submission requirements:

Applicant will submit in writing complete statements to address the following:

1. What changes to the property are required for compliance. List all items, if more than one.
2. Detail the steps taken before the date of the Compliance Plan submission toward the changes required: Who has been contacted for an estimate for the work? Who has been contracted for the work? What materials have been ordered or obtained for installation?
3. Include all documentation and communication to show that a builder, contractor, or tradesperson has committed to the compliance project. (If the owner will accomplish the work themselves, state that.)
4. Include all communication with representatives of the Town, concerning this compliance project.
5. What is the start date for work on this compliance project, either by hired professionals or owner?
6. What is the estimated finish date for this compliance project?

After completing the requirements above, sign and date to acknowledge that short-term rental activity is not approved by the Town of Londonderry until after an STR license is issued, which will not occur without a satisfactory inspection visit by a representative of the Town.

Name:

Signature:

**Rental Housing Appeal Board:** If an STR applicant is denied a permit based on the on-site inspection report, or a licensee receives a notice of revocation or suspension of an STR License, or their Compliance Plan, category 1 is denied, the applicant may appeal in writing by filing an appeal with the Rental Housing Appeals Board.

[Below is in draft-form. It has been submitted to the Selectboard for review and adoption.]

### **Appeals process for the Short-Term Rental program in Londonderry, VT.**

A Short-Term Rental Administrator will be designated by the Selectboard of the Town of Londonderry to administer and enforce this Ordinance. The STR Administrator will provide assistance to individuals who wish to short-term rent their property by providing the necessary forms to obtain the required municipal license, and when necessary by referring them to the state authorities that must be contacted to obtain necessary state permits. The STR Administrator will be required to literally administer the STR Ordinance, and will not license any property or permit any rental activity that does not conform to the Ordinance. The Administrator will enforce violations of the Ordinance. The Administrator will provide the Town Clerk with a registry of rental licenses, violations of the Ordinance, denials of STR applications and revocations STR licenses for recording.

**Enforcement.** The STR Administrator shall act to stop or prevent violations of the STR Ordinance. To do this, the STR Administrator shall institute in the name of the municipality an action, injunction, or other proceeding to prevent or abate violations and to impose fines for any violations of the Ordinance. The Administrator shall have no discretion and must enforce all Ordinance violations in the municipality.

**Appeals.** Actions of the STR Administrator in approving or denying a permit for a STR may be appealed by an “interested party” to the Rental Housing Appeals Board. Actions of the STR Administrator filed in the Judicial Bureau for the imposition of fines and enforcement, or actions filed for injunctive relief in Superior Court, may be contested by the property owner only in accordance with the Judicial Bureau rules at the Judicial Bureau or contested in accordance with state court rules in the Superior Court. There is no appeal to the Rental Housing Appeals Board for actions filed in the Judicial Bureau or in Superior Court.

**The Rental Housing Appeals Board.** This board shall be an *ad hoc* municipal panel that performs a quasi-judicial function and hears appeals from actions or decisions of the Short-Term Rental Administrator in approving or denying an STR license. The board will be composed of three members chosen by the Londonderry Selectboard, plus an alternate to ensure a hearing staffed by three Appeals Board members.

From the date of enactment, any Short-Term Rental owner shall have 30 days in which to file an appeal that pre-dates the enactment of the Rental Housing Appeals Board. Following the date of enactment, an interested party—including an STR owner—shall have 30 days to file an appeal following the action being appealed.

**Form of Appeal:** Entering an appeal shall be done in writing, either in the form of a PDF attached to an email to TOWNCLERK@londonderryvt.gov, or by physical mail to: Town of Londonderry, c/o Town Clerk, 100 Old School St., South Londonderry, VT 05155.

The appeal shall state all the pertinent facts of the case—including any exhibits and evidence—and the basis for the appeal. The Appeals Board will, via the Town Clerk or another designee of the Town, acknowledge receipt of the appeal within thirty days and schedule a hearing at the next quarterly meeting of the Appeals Board. The Town Clerk or another designee of the Town will alert the appellant to the hearing date, time, and place a minimum of ten days before the scheduled hearing. At the hearing, the appellant shall have the right to testify, to present witnesses on the appellant’s behalf, to cross-examine all other witnesses, and to present oral and written evidence on the action being appealed, provided that no new evidence is introduced or presented on appeal that was not previously introduced or presented to the Town Clerk in the submitted appeal.

The STR Administrator may participate in the appeal by explaining his or her action that is under appeal. In addition, the Administrator may present evidence to support his or her decision and may question any witness or evidence presented during the hearing by the person bringing the appeal.

The Rental Housing Appeals Board decision will be issued in writing within thirty days of the hearing and will be final.

No Short-Term Rental activity will be allowed at the property of the appellant during the appeal process if the STR property is not in good standing with the Town at the time the appeal is submitted.

Note: Definitions above are derived from a publication by Vermont's Office of the Secretary of State, entitled *The Players: A review of the roles and responsibilities of local officials with respect to land use regulation in our municipalities.* 24 V.S.A. § 4460. The Rental Housing Appeal Board function and purpose is derived from Vermont statutes concerning a municipal Zoning Board of Adjustment.