

**Chapter 4-Buildings and Building Regulations, Article VI. Housing  
Division 3-Rent Control, Section 4-144 Short-Term Residential Rentals.**

**1. LEGISLATIVE FINDINGS AND INTENT.**

- A. The Town Council of the Town of Warren, Rhode Island, finds:
- B. The Constitution of the State of Rhode Island, Article XIII, Section 2, grants to the Town of Warren the power to “enact and amend local laws relating to its property, affairs and government” as long as such local laws are consistent with the Constitution and laws enacted by the General Assembly. This delegation of power includes the police power to enact reasonable legislation to regulate and supervise rental dwellings in order to protect the public health, safety, and welfare.

**2. DEFINITIONS.**

- A. Words and phrases used in this chapter shall have the following meanings, unless otherwise clearly indicated by the context:

**BEDROOM.** The definition for bedroom is "sleeping room" as set forth in the current version of the Rhode Island Building Code SBC-1. Only a room meeting the definition of "sleeping room" in said code and complying with all provisions therein related to square footage, private accessibility, window specifications, and ventilation shall be considered a BEDROOM for the purposes of this chapter.

**DWELLING UNIT.** A structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.

**LOCAL REPRESENTATIVE.** A person designated on a registration form filed under this chapter as the person authorized to receive any process, notice or demand required or permitted to be served upon the owner of the premises. A local representative may, but need not, also serve as property manager.

**REGISTRAR.** Warren Building Official

**RENTER and/or TENANT.** Any and all individuals occupying a dwelling unit under the terms of a short-term rental lease, including any and all guests of tenants.

**SHORT-TERM RESIDENTIAL LEASE.** A lease or other contractual arrangement for the occupation of a dwelling unit for a term of 30 nights or less; provided, however, that this term does not include an extension, including a month-to-month extension, granted without an intervening period of non- occupancy to tenants currently occupying the premises under a written lease for a term of more than 30 nights.

- B. Unless otherwise defined in this section, words and phrases shall have the meaning stated in Article 23 of the Zoning Code if defined therein.

- C. All words and phrases in this chapter, whether or not defined in this section or the Zoning Code, shall be interpreted so as to carry out the Council's intent as stated in Section 1.

### **3. APPLICABILITY.**

The provisions of this chapter shall apply to all residential property except (1) hotels and motels/bed and breakfasts that have acquired a special use permit in accordance with the requirements of the Zoning Ordinance, and (2) group homes, community residences, family day care homes, and congregate housing.

### **4. REGISTRATION AND INSPECTION REQUIRED.**

- A. All dwelling units which are let, leased, rented, or otherwise occupied, in whole or in part, by a tenant for residential and/or dwelling purposes for a period of 30 nights or less under a short-term residential lease shall be registered by the record property owner with the registrar before any tenant occupies the premises.
- B. Each dwelling unit shall have an annual registration. The dwelling unit shall be subject to inspection by the Building Official or their designee and the Fire Marshal or Fire Chief. The purpose of the inspection is to determine the occupancy limit of the unit pursuant to Section 9 of this chapter and to ensure compliance with applicable life safety codes.

### **5. REGISTRATION FORM.**

The rental registration form shall indicate the Tax Assessor's plat and lot number, address of the rental dwelling unit, the number of rental dwelling units therein, the name and permanent mailing address of the record owner and of their local representative (if any), a parking plan, and the usual period of occupancy by tenants (monthly, weekly, or other).

### **6. REGISTRATION TERM.**

A short-term residential registration shall be valid from December 1 to the following December 1, except that an initial registration filed after December 1 shall be valid from the date of registration until the following December 1.

### **7. FILING REQUIREMENT.**

On or before December 1 of each year, the record owner of a dwelling unit subject to this chapter shall file a rental registration form with the registrar and pay the registration fee.

### **8. FEE.**

The fee for registering dwelling units under this chapter shall be \$100 per year per unit.

### **9. OCCUPANCY LIMITS, REGISTRATION LIMITS AND PARKING REQUIREMENTS.**

- A. The maximum occupancy for the dwelling unit shall be two persons per bedroom. The maximum occupancy may be further limited by the requirements of division (B) below. For the purpose of establishing occupancy, a person is defined as an individual at least 12

years of age; provided however, that in no event shall the occupancy of a dwelling exceed the occupancy load as defined in the current version of the Rhode Island Building Code SBC-1, which requires a floor area of 200 gross square feet per occupant; fractions shall be rounded down to the next lower whole number; and provided further, that in no event shall the occupancy of a dwelling exceed the design load of the property's septic system and/or well if applicable.

- B. One off-street parking space shall be provided on the same lot on which the short-term rental is located for each dwelling unit. All parking spaces required hereunder shall not be located on any lawn area. A parking plan shall be submitted with the registration form. Owners unable to meet this requirement may apply to the Town Council for a waiver in accordance with Section 14 of this ordinance.
- C. Multi-family or mixed-use structures containing two- to five- dwelling units may not utilize more than fifty percent (50%) of such units as Short Term Rentals (STR) in accordance with the following chart:
  - 2 Dwelling Unit Structure - 1 Dwelling Unit allowed as STR
  - 3 Dwelling Unit Structure - 1 Dwelling Unit allowed as STR
  - 4 Dwelling Unit Structure - 2 Dwelling Units allowed as STR
  - 5 Dwelling Unit Structure - 2 Dwelling Units allowed as STR
- D. Total registrations within the Town of Warren shall be capped at one hundred and twenty-five (125). This number shall be reviewed from time to time by the Town Council based on demand and experience.

#### **10. OWNER'S OBLIGATIONS.**

- A. Required lease terms. All short-term residential leases shall have as an attachment a copy of the applicable Short-Term Rental Permit for the premises, and contain the following provisions, either as worded below or in substantially similar language:

The following provisions are required by law to be a part of this lease. In these provisions, "you" and "your" mean each tenant under this lease.

- (1) The legal occupancy of this dwelling unit is limited by town ordinance and may not exceed the number of persons aged at least 12 years of age set forth on the Short-Term Rental Permit attached hereto. Exceeding said occupancy limit is a violation of this chapter and is subject to a fine of up \$1,000 per day.
- (2) If you sublet any portion of the premises, you become subject to the requirements of the Short-Term Residential Leases ordinance, including the requirement to register the subleasing at the Town Hall. Allowing a person who is not a tenant to stay one or more nights on the premises in exchange for money or anything else of value constitutes a sublease.
- (3) As the tenant under a short-term residential lease, you may be held legally responsible for any violations of law committed by you or by your guests while at the premises,

including violations of the ordinances pertaining to noise, keeping dogs on a leash, parking, trash maintenance and disposal, and dwelling occupancy limits. In addition, if you are charged with a violation pertaining to legal occupancy, excessive noise, or other disturbance of the peace, you may be subject to immediate eviction under R.I. Gen. Laws § 34-18-36(f).

- B. In addition to the foregoing mandatory provisions, the record owner may include in the lease a provision restricting or prohibiting any subleasing of the premises.
- C. Posting ordinances. The record owner shall post, in plain view and in a conspicuous place within the rental dwelling unit, a notice containing:
  - (1) The full text of ordinances pertaining to noise, keeping dogs on a leash, parking, trash maintenance and disposal, and dwelling occupancy limits, and any other ordinance which the Council may deem appropriate from time to time. Printed form notices shall be available at the office of the registrar.
  - (2) The maximum number of occupants permitted to stay in the dwelling, and notice that failure to conform to the occupancy limit is a violation of this Code and is subject to a fine of up \$1,000 per day.
  - (3) The name and telephone number where the record owner can be reached.
  - (4) Where applicable, the name of the record owner's local representative and a telephone number where the local representative may be reached.
  - (5) The number and location of onsite parking spaces or a parking plan; and
  - (6) The telephone number and website address for the Warren Police Department.
  - (7) Trash pickup requirements, including the location of trash cans.
- D. Tenant information. Record owners who rent a dwelling unit under a short-term residential lease shall:
  - (1) At the beginning of the lease term obtain from each tenant accurate and up-to-date information, including the names, home addresses and phone numbers of the tenants, and the date of the rental period.
  - (2) Maintain this information throughout the term of the lease and for 90 days thereafter; and
  - (3) Make this information available to Town Officials who are lawfully investigating or prosecuting any offense reasonably believed to involve one or more of the tenants. Failure of the record owner to maintain or provide this required information shall constitute a violation of this chapter.

## **11. TENANT'S OBLIGATIONS.**

In addition to obeying the law generally, tenants under short-term residential leases are specifically required to adhere to the following requirements imposed by this chapter:

- A. The occupancy limits and parking requirements imposed by Section 9.
- B. The duty to furnish accurate and up-to-date information to the record owner at the beginning of the lease term, and to notify the record owner of any changes to this information occurring during the lease term, as required by Section 10 (D).
- C. As the renter under a short-term rental lease, you may be held legally responsible for any violations of law committed by you or by your guests while at the premises, including violations of the ordinances pertaining to noise, keeping dogs on a leash, parking, trash maintenance and disposal, and dwelling occupancy limits. In addition, if you are charged with a violation pertaining to legal occupancy, excessive noise, or other disturbances of the peace, you may be subject to immediate eviction.

## **12. LOCAL REPRESENTATIVE.**

- A. The record owner shall designate on the Registration Form an individual who permanently resides within Bristol County, Rhode Island , or a property manager with a physically staffed office within Bristol County, Rhode Island , as the record owner's local representative, who shall be authorized to receive any process, notice or demand required or permitted to be served upon the owner of the premises. The record owner may be designated as the local representative if they reside within Bristol County, Rhode Island.
- B. The local representatives must be authorized by the record owner to respond to tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the use of the dwelling for short term rentals. The local representative shall respond to those complaints within two hours to ensure that the use of the dwelling complies with the requirements of this chapter, as well as all other applicable town ordinances pertaining to parking, noise, disturbances, or nuisances, as well as state law pertaining to the consumption of alcohol and/or the use of illegal drugs.
- C. The failure of the local representative to respond to Warren Police Department inquiries in a timely manner more than twice during the term of the annual permit shall be considered a violation of this chapter.
- D. The record owner may change the designation of the local representative from time to time by filing an amended permit application including the name, address and telephone number of the new local representative. Failure to notify the town of any change in the local representative shall constitute a violation of this chapter.

### **13. ENFORCEMENT; PENALTY FOR VIOLATIONS.**

- A. Violations of this chapter shall be enforceable through issuance of citations by either the Police Department or the Building/Code Enforcement Official. Violations shall be dealt with at the next housing court session following the violation. Pre-trial pleas may be accepted, and action taken at the initial hearing unless the person cited seeks a trial before the judge.
- B. Any violation of the provisions of this chapter shall be subject to a fine of not less than \$500 and not more than \$1,000 per day for each day the violation continues.
- C. All fines are due and payable within seven (7) days of notice. If such fines are not paid within seven (7) days of notice, the Town Council or their delegate may impose a five hundred dollar (\$500) per day late fee imposed in addition to the fine. If such fines are not paid within sixty (60) days of notice, the Town Solicitor shall initiate proceedings necessary to have the fines recorded as a lien against the subject premises.
- D. Suspension or Revocation of Registration. Whenever the Town Council determines that the suspension or revocation is reasonably necessary to abate violations of this ordinance, the Town Council may suspend or revoke the right of a property owner to engage in short-term rentals at the subject location.

### **14. WAIVER.**

The town council may, upon good cause shown, waive licensing requirements of this article consistent with public health, safety, and welfare.

### **15. EFFECTIVE DATE**

This Ordinance shall take effect upon adoption. All Short Term Rental Units lawfully registered with the State of Rhode Island Department of Business Regulation as of the date of adoption shall be considered pre-existing non-conforming and shall be exempt from the limitations contained within Section 9.C. of this Ordinance.

**Ordained 02/14/2023**