

NOTICE OF ENACTMENT OF AN ORDINANCE

At a Regular Meeting of the East Haven Town Council held *April 1, 2025*, the following Ordinance as introduced at a Public Hearing commenced on March 11, 2025 and continued on April 1, 2025, was approved by the Mayor, April 4, 2025.

BE IT ORDAINED that the Town of East Haven Legislative Town Council hereby enacted in the East Haven Code of Ordinances at Article VI. Sec. 10-115 through Sec. 10-132, to read as follows:

ARTICLE VI. – SHORT-TERM RESIDENTIAL RENTALS

Sec. 10-115. – Declaration of purpose.

It is hereby found and declared that the regulation of short-term residential rentals in the Town of East Haven is necessary to ensure that such rentals do not adversely impact the health, safety, and/or welfare of renters and neighboring residents. By adopting this Ordinance, the Town will be able to monitor the suitability of short-term residential rental offerings, including compliance with applicable laws intended to protect life safety, and ensure that short-term residential rentals do not materially disrupt the use and enjoyment of neighboring properties and the character of residential neighborhoods.

This Ordinance is adopted pursuant to Connecticut General Statutes §§ 7-148(b), 7-148(c), and 7-148qq.

Sec. 10-116. – Definitions.

When used in this Article, the terms below shall have the following meanings:

AUTHORIZED ENFORCEMENT AGENT(S): An official(s), department(s), employee(s), or other designee(s) of the Town of East Haven as authorized by the Town Council to enforce this Ordinance.

EVENT(S): An assembly of people that are Renters or Occupants of the Short-Term Residential Rental and others who are not Renters or Occupants. Occasions such as parties, weddings, prom and graduation celebrations, receptions, fundraisers, filming, photo shoots, corporate or church retreats, or other assemblies of people would be considered an event. Events can be either indoor or outdoor for purposes of this Ordinance.

GATHERING(S): An assembly of people that are Renters or Occupants of the Short-Term Residential Rental for a social activity or occasion. Gatherings can be either indoor or outdoor for purposes of this Ordinance.

LOCAL: For the purpose of this Ordinance local is defined as a straight-line distance of no more than twenty (20) miles.

OWNER: Any person(s) who hold(s) the legal right to the subject real property proposed to be/being rented, or beneficiary of like estate, and who uses the real property as his/her/their primary residence, subject to the prohibition contained in Sec. 10-117 herein.

OWNER'S(S') AGENT: Any person who is eighteen (18) years of age or older and has been identified by a real property Owner(s) as a Local contact on the Owner's(s') Short-Term Residential Rental Permit as herein required and described. The Owner's(s') Agent is authorized to act for an Owner(s) who cannot be reached, in a reasonable amount of time, through all means of contact identified on said Permit.

PRIMARY RESIDENCE: An Owner of real property can only rent the real property pursuant to this Article if it constitutes his/her/their Primary Residence. To constitute a Primary Residence, the Owner must reside at a dwelling in a residential or mixed-use structure on the real property for at least one hundred eighty three (183) days in a calendar year, which residency must be documented and confirmed by at least two (2) of the following: State issued driver's license or REAL ID; voter registration; motor vehicle registration; and/or tax return.

RENTER(S) OR OCCUPANT(S): Any person(s) who has/have entered into an agreement with a real property Owner for the use of a real property or a portion thereof as a Short-Term Residential Rental. A child under the age of twelve (12) years shall not be considered a Renter or Occupant for the purposes of this Ordinance.

SHORT-TERM RESIDENTIAL RENTAL OR RENTAL UNIT: Any furnished living space in a dwelling in a residential or mixed-use structure rented by a person(s) for a period of one (1) to thirty (30) consecutive days per Connecticut General Statutes § 12-408h. A short-term residential rental or rental unit may consist of a room(s) or an entire residential dwelling, but it must have separate sleeping rooms established for Renters or Occupants and Renters or Occupants must have at least shared access to one (1) full bathroom and the cooking/kitchen area. The letting of one (1) Sleeping Room in a single-family residential dwelling for a period of one (1) to thirty (30) consecutive days shall not be considered a short-term residential rental or rental unit under this Ordinance per Sec. 10-118.

SLEEPING ROOM: A Sleeping Room is defined as a separate space, with a bed provided that the Renter or Occupant of a Short-Term Residential Rental has access to. This area must be inside the residential or mixed-use structure or dwelling and cannot include tents, outdoor areas, and/or recreational vehicles. Every room occupied for sleeping purposes by one (1) Renter or Occupant shall contain at least seventy (70) square feet of usable floor area, and every room occupied for sleeping purposes by more than one (1) Renter or Occupant shall contain at least fifty (50) additional square feet of usable floor area for each additional Renter or Occupant thereof.

Sec. 10-117. – Prohibitions on short-term residential use.

- (a) Short-Term Residential Rentals are prohibited in dwelling units owned by a corporation, partnership, real estate investment trust, or any similar entity which pools funds from investors and is engaged primarily in investment activity. Short-Term Residential Rentals are permitted in dwelling units owned by a limited liability company, trust, or S corporation only when every shareholder, partner, or member of the legal entity is a

natural person, as established by documentation at the time of submission of the permit application.

- (b) Short-Term Residential Rentals are prohibited in dwelling units designated as affordable or otherwise income-restricted, which are subject to an affordability restriction or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.
- (c) Accessory dwelling units, and long-term rentals of thirty-one (31) days or more, are not permitted on the same property as a Short-term Residential Rental.
- (d) In keeping with Section 50.4.6 of the Zoning Regulations of the Town of East Haven, no accessory dwelling unit shall be used as a Short-Term Residential Rental.

Sec. 10-118. – Permit required.

No person(s) or other entity(ies) shall offer to rent or operate a Short-Term Residential Rental in the Town of East Haven without a valid Short-Term Residential Rental Permit authorized by the Town of East Haven and issued in accordance with the requirements and limitations of this Ordinance.

No Short-Term Residential Rental Permit shall be required under this Ordinance for the letting of one (1) Sleeping Room within a single-family residential dwelling as such use shall remain subject to compliance with all applicable laws, including requirements contained in the Code of Ordinances, Zoning Regulations, and any other codes and regulations governing the use.

Sec. 10-119. – Permit application requirements and process.

- (a) Prior to offering to rent or operate a Short-Term Residential Rental, the Owner(s) of record of the subject real property (“Property”) must submit a complete application for and obtain a Short-Term Residential Permit from the Planning and Zoning Department, or other department, agency, or designee of the Town as directed by the Town Council.
- (b) Only the Owner(s) of record of the Property may apply for and obtain a Short-Term Residential Rental Permit.
- (c) The Owner(s) may only apply for and obtain one (1) Short-Term Residential Rental Permit for one (1) Short-Term Residential Unit for the Property.
- (d) The Planning and Zoning Department, or other department, agency, or designee of the Town as directed by the Town Council, shall develop and maintain a Short-Term Residential Rental Permit application form, which may be amended from time to time. At a minimum, the application form shall require that the Owner(s) of record provide the following:
 - (i) A list of all Owner(s) and all other primary residents of the subject Property and their contact information, accompanied by appropriate documents to confirm primary residency of the Owner(s);

- (ii) Contact information for the Owner's Agent, as defined herein, who can be called upon should a situation arise in which the Owner(s) need(s) to be contacted, emergency or otherwise, and the Owner(s) are not reachable or unresponsive.
- (iii) The number of separate Sleeping Rooms made available to Renters or Occupants of the Short-Term Residential Rental.
- (iv) Written confirmation from the Building Official, Zoning Enforcement Officer, and Health District/Sanitarian regarding the number of available Sleeping Rooms.
- (v) A detailed description of the parking provided for the Short-Term Residential Rental use.
- (vi) A certificate of insurance evidencing liability insurance coverage for operation of the Property as a short-term rental with liability limits of at least one million dollars (\$1,000,000) per claim, unless such short-term rental is offered through a hosting platform that maintains equal or greater coverage.
- (vii) Written confirmation from the Town Tax Collector that the Property is current on all tax obligations.
- (viii) A list of the name(s) and address(es) of the owner(s) of record of all real property abutting or within one hundred (100) feet of the subject Property, as listed on the last-completed grand list of the Town of East Haven. [Required mailing of notice to abutting property owners is addressed in Sec. 10-120 below.]
- (ix) A signed and sworn affidavit by each applicant Owner(s) attesting to:
 - a. the truth and accuracy of the information contained in the application (including all information contained in all submitted supporting documents) and the statements contained in the affidavit, to the best of the applicant Owner's(s') knowledge and belief;
 - b. the fact that the Property is in compliance with all applicable laws, including but not limited to health and safety rules and regulations, zoning regulations, building and fire safety codes; and
 - c. his/her/their/its authorization and agreement that officials of the Town of East Haven and their designees shall have the right to perform both interior and exterior inspections of the Property, and any structures thereon, prior to the Town taking action on the application and when health and safety violations are suspected should the application be approved.

(e) A new application fee of five hundred dollars (\$500), in good and sufficient funds, to cover administrative costs, shall be collected by the Planning and Zoning Department or other department, agency, or designee of the Town as directed by the Town Council, with the completed application form.

- (f) If a completed application, meeting all requirements, and/or the required application fee is not submitted, the Planning and Zoning Department or other department, agency, or designee of the Town as directed by the Town Council, shall not process the application and shall notify the applicant Owner(s) that his/her/their/its application has been rejected.
- (g) The Zoning Enforcement Officer of the Town of East Haven or his/her designee, or other official, agent, or designee of the Town as authorized by the Town Council, shall approve or deny any application submitted for a Short-Term Residential Rental in the Town of East Haven.
- (h) An initial inspection of the Property must be completed by the Zoning Enforcement Officer, or his/her designee, or other official, agent, or designee of the Town as authorized by the Town Council, who may be accompanied by other officials of the Town, before a Short-Term Residential Rental Permit may be issued.
- (i) The Owner(s) shall be obligated to keep current his/her/their/its contact information on file with the Town as well as the contact information of the Owner's(s') Agent.
- (j) If an application is approved, a Short-Term Residential Rental Permit shall only be valid for one (1) year from the date of issuance.

Sec. 10-120. – Notification to neighbors required.

As indicated above in Sec. 10-119(d)(viii), the applicant Owner(s) shall submit, as part of the application for Short-Term Residential Rental Permit, the name(s) and address(es) of the owner(s) of record of all property abutting or within one hundred (100) feet of the subject Property, as listed on the last-completed grand list of the Town of East Haven.

Notice of the submission of the application for Short-Term Residential Rental Permit shall be mailed by the applicant Owner(s) to the owner(s) of record of all real property within one hundred (100) feet of the subject Property not fewer than ten (10) days after application is filed. The applicant Owner(s) shall provide copies of the completed and stamped certificate of mailings to the Planning and Zoning Department, or other department, agency, or designee of the Town as directed by the Town Council, prior to issuance of the Short-Term Residential Rental Permit.

Applications for permit renewal are not required to notify abutting property owner(s) as required above.

Sec. 10-121. – Permit suspension or revocation; expiration and renewal; non-transferability.

- (a) As provided hereinafter at Sec. 10-127, the Authorized Enforcement Agent(s), or his/her/their designee, or other official, agent, or designee of the Town as authorized by the Town Council to issue short-term residential rental permits are further authorized to suspend or revoke a Short-Term Residential Rental Permit for violations of any provisions of this Ordinance, or any federal, state, or local laws.
- (b) In the event that the Owner(s) of the Property become(s) delinquent on any tax obligation due to the Town, the Short-Term Residential Rental Permit shall be revoked.

- (c) All short-term residential rental permits are only valid for one (1) year from the date of issuance.
- (d) Permits become invalid at 11:59 PM on the listed expiration date of the Short-Term Residential Rental Permit.
- (e) An application for renewal of a Short-Term Residential Permit must be submitted to the Planning and Zoning Department, or other department, agency, or designee of the Town as directed by the Town Council, at least two (2) months but no more than three (3) months before the expiration date of the current permit.
- (f) When applying for a renewal, the Owner(s) must provide to The Planning and Zoning Department, or other department, agency, or designee of the Town as directed by the Town Council the following information:
 - (i) A copy of the previously issued Short-Term Residential Permit/Permit Renewal.
 - (ii) An updated permit application form if any required information changed in the past year.
 - (iii) A permit renewal fee of two hundred fifty dollars (\$250).
 - (iv) Copies of sales tax receipts for all short-term residential rentals of the Property for the past year.
 - (v) Any additional information or documentation requested to determine compliance with this Ordinance and any applicable laws.
- (g) An inspection of the Property must be completed by the Zoning Enforcement Officer, or his/her designee, or other official, agent, or designee of the Town as authorized by the Town Council, who may be accompanied by other officials of the Town, before a Short-Term Residential Rental Permit may be renewed.
- (h) The Zoning Enforcement Officer, or his/her designee, is authorized to act on applications for renewal.
 - (i) The Zoning Enforcement Officer, or his/her designee, or other official, agent, or designee of the Town as authorized by the Town Council to act on renewal applications, may reject an application for renewal.
- (j) A renewal permit may only be applied for if the Owner(s) of the Property hold a valid Short-Term Residential Rental Permit in the prior year that was not revoked. Any permit that has lapsed eight (8) or more months between an expired permit and an application for a renewal permit will be treated as a new application for a Short-Term Residential Rental Permit and must comply with all requirements for submission of same provided herein.

(k) Short-Term Residential Rental Permits issued pursuant to this Ordinance do not run with the land and are not transferable or otherwise assignable.

Sec. 10-122. – Limitation on number of permits; weekly and annual caps on short-term residential rentals.

Only one (1) Short-Term Residential Rental Permit may be issued for one (1) rental unit per real property.

No Owner(s) may rent the Property as a Short-Term Residential Rental under a valid Short-Term Residential Rental Permit issued pursuant to this Ordinance more than once per seven (7) day period, unless an owner(s) of the Property is residing at the Property during the rental period.

No Owner(s) may rent the Property as a Short-Term Residential Rental under a valid Short-Term Residential Rental Permit issued pursuant to this Ordinance for more than one hundred fifty (150) days during any one (1) calendar year period or term of his/her/their/its Short-Term Residential Rental Permit.

Sec. 10-123. – Presence of owner during rental period.

The Owner(s), desiring to rent his/her/their primary residence on a short-term residential rental basis as provided in this Article, has/have the option of residing at the property while renting his/her/their/its property on a short-term basis.

If choosing to be off-site during a rental period, the Owner(s) must provide his/her/their/its contact information to the Renter(s) or Occupant(s) as well as to the Town on the permit application and any updates provided thereto. If the Owner(s) is unable to be in the local area while renting their property, an Owner's Agent must be identified to the Renter(s) or Occupant(s) and to the Town on the permit application should a situation arise in which the Owner(s) need(s) to be contacted, emergency or otherwise, and the Owner(s) are not reachable or unresponsive.

Failure to provide sufficient contact information of either the Owner(s) or the Owner's(s') Agent while the Owner(s) is/are offsite may result in the revocation of the Short-Term Residential Permit.

Sec. 10-124. – Parking requirements.

Parking spaces shall be provided in such number, location, and with suitable design and construction to accommodate the motor vehicles of all persons using and/or visiting the Property. The operation of the Property as a residential unit, including the short-term rental use, shall comply with the parking requirements of the Code of Ordinances and any other applicable laws, as may be amended from time to time.

When acting on an initial application or application for renewal of a Short-Term Residential Rental Permit, the Zoning Enforcement Officer, or his/her designee, or other official, agent, or designee of the Town as authorized by the Town Council to act on such applications, shall confirm compliance with the requirements of this section.

Sec. 10-125. – General standards for short-term residential rentals – maximum occupancy; record of rentals; prohibition on signage; limitations on non-lodging uses; safety; conduct and information provided to renters or occupants; maintenance of property.

- (a) The maximum occupancy for a Short-Term Residential Unit shall not exceed two (2) persons per each Sleeping Room in the unit..
- (b) The Owner(s) shall maintain a log of the names, addresses, and contact information for all Renters and Occupants, and their guests, for each permit period.
- (c) Signage advertising the Property as a Short-Term Residential Rental is prohibited.
- (d) Short-Term Residential Rentals shall be used primarily for lodging-type purposes. Gatherings of Renters or Occupants of the Short-Term Residential Rental, as defined herein, for a social activity or occasion and Events as defined in part herein as parties, weddings, prom and graduation celebrations, receptions, fundraisers, filming, photo shoots, corporate or church retreats, or other assemblies of people, are permitted. with the following limitations and restrictions:
 - (i) All gatherings and events shall be conducted in a manner that is orderly and considerate of neighboring properties;
 - (ii) Events shall be limited to no more than three (3) per calendar year;
 - (iii) Noise, including amplified music and loudspeakers, extending beyond the Property, and disturbing or capable of disturbing neighbors and other persons off-site is prohibited;
 - (iv) Any lighting used for gatherings or events shall be prevented from intruding on neighboring properties; and
 - (v) Parking shall comply with all applicable ordinance, code, and regulatory provisions.
- (e) For the safety of Renters and Occupants, and neighboring properties and residents, a Short-Term Residential Unit shall have:
 - (i) Working smoke and carbon monoxide detectors with placement following all applicable state and local codes, requirements, and directives;
 - (ii) A working fire extinguisher located in the dwelling at all times when the Property is being used as a Short-Term Residential Rental;
 - (iii) A clear path of egress always visible while the Property is available for rent;
 - (iv) Properly functioning windows and doors in all livable spaces of the dwelling;
 - (v) Sleeping Rooms/accommodations which comply with all applicable state and local codes, requirements, and directives; and

- (vi) Demonstrate compliance with the Town Zoning Regulations, health and safety codes that may apply as determined by the Health District, the State Building Code, and the State Fire Safety Code.
- (f) Renters and Occupants, and their guests, are subject to all applicable laws, including but not limited to state statutes, state and local regulations, codes, and ordinances. It is the responsibility of Owners renting their property as a Short-Term Residential Rental to notify Renters and Occupants, and their guests of applicable laws and to ensure that they are followed. At a minimum, Owner(s) shall advise Renters or Occupants, and their guests, that:
 - (i) Unreasonable noise or other disturbances are prohibited.
 - (ii) Sleeping outdoors overnight is prohibited.
 - (iii) All garbage must be properly and securely disposed of.
 - (iv) Care must be taken so as not to trespass onto neighboring properties.

Sec. 10-126. – Violations.

Operating a Short-Term Residential Rental on a property without a valid Short-Term Residential Rental Permit, or using a property as a Short-Term Residential Rental in any manner other than the allowed uses provided herein, or failing to comply with any of the requirements and/or limitations of this Ordinance shall constitute a violation of the Ordinance and subject the property and its owner(s) to enforcement action, including the imposition and assessment of fines as hereinafter provided.

Sec. 10-127. – Enforcement; penalties for violations.

- (a) The Town Council shall appoint an Authorized Enforcement Agent(s) as defined in Sec. 10-116 to enforce the provisions of this Ordinance. The Authorized Enforcement Agent(s), and his/her/their designee, has the authority to investigate any potential or alleged violation(s), determine if a violation(s) has/have occurred, and issue a citation(s) to correct any violation found to exist.
- (b) The Authorized Enforcement Agent(s), or his/her/their designee, are further authorized to immediately suspend or revoke a Short-Term Residential Rental Permit for violation(s) of any provisions of this Ordinance, or any federal, state, or local laws.
- (c) The Authorized Enforcement Agent(s), and his/her/their designee, may afford the Owner(s) a period of time, in his/her/their discretion to correct or remedy the violation(s).
- (d) Any suspension action taken by the Authorized Enforcement Agent(s) or his/her/their designee, shall not delay the expiration of an Owner's(s') Short-Term Residential Rental Permit.
- (e) If an Owner(s) has/have his/her/their Short-Term Residential Rental Permit revoked, a new permit shall not be issued to the Owner(s) for twelve (12) months.

(f) A violation(s) of the provisions of this Ordinance shall be punishable by a fine of five hundred dollars (\$500) per day for each day a violation continues to exist. The date the citation is issued shall be the commencement date for said fine.

Sec. 10-128. – Right to appeal suspension or revocation; imposition and assessment of fines.

(a) An appeal of a decision to suspend or revoke a Short-Term Residential Rental Permit must be received in writing and filed with the Town Clerk's Office within ten (10) business days from the date of the notice of the written decision appealed from. A hearing on the appeal before a Hearing Officer in accordance with Connecticut General Statutes § 7-152c shall take place within thirty-five (35) days. The decision of the Hearing Officer shall be final. Denial of an initial permit application or of a renewal application is not appealable.

(b) Any person receiving a fine may appeal the determination of the Authorized Enforcement Agent(s) or his/her/their designee may appeal the imposition of the fine. The notice of appeal must be received in writing and filed with the Town Clerk's Office within ten (10) business days from the date of the notice of the fine. A hearing on the appeal before a Hearing Officer in accordance with Connecticut General Statutes § 7-152c shall take place within thirty-five (35) days of the receipt of the notice of appeal. The decision of the Hearing Officer may be appealed to Superior Court in accordance with Connecticut General Statutes § 7-152c.

Sec. 10-129. – Coordination with other laws.

If a provision of this Ordinance is found to be in conflict with a provision of any building, fire, zoning, safety, or health ordinance, regulation, or other law of the Town or State of Connecticut and such provision of this Ordinance establishes a higher standard for the promotion and protection of the health, safety, welfare, and/or quality of life of East Haven residents, the provision of this Ordinance shall be enforceable pursuant to the procedures established herein. In addition, this Ordinance is not intended to affect violations of any other ordinances, regulations, or codes and such violations shall continue to be subject to enforcement under the provisions of said ordinances, regulations, or codes in effect at the time the violation occurred as well as enforcement of this Ordinance as appropriate.

Sec. 10-130. – Nuisance claims.

Nothing in any portion of this Ordinance shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance. Furthermore, if a property owner(s) remedies a violation or citation issued under this Ordinance, any such remedy shall not bar a claim by any person. A violation of any portion of this Ordinance shall not be deemed to create a nuisance per se.

Sec. 10-131. – Severability.

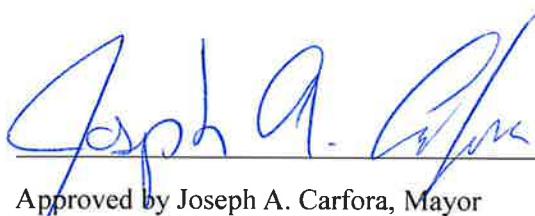
If any provision of this Ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this Ordinance which can be given effect without the invalid provisions or application; and to this end, the provisions of this Ordinance and the various applications thereof are declared to be severable.

Sec. 10-132. – Effective date.

This Article shall take effect on January 1, 2026.

BE IT FURTHER ORDAINED that Mayor Joseph A. Carfora., or his designee, is authorized to execute any and all documents to effectuate the intent of this Ordinance;

BE IT FURTHER ORDAINED that this Ordinance shall take effect on January 1, 2026 in accordance with Sec. 10-132 thereof.



Approved by Joseph A. Carfora, Mayor



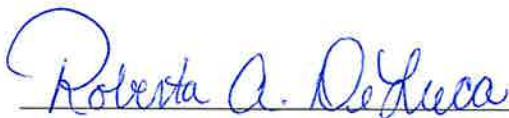
Date



Received by Lisa Balter, Town Clerk



Date



Submitted by Roberta A. DeLuca, Town Council Clerk



Date

