

What is the Short Stay Rental Accommodation Local Law?

In July 2022, Council adopted the *Short Stay Rental Accommodation Local Law*, providing clear guidelines on the required standards for the operation of this type of accommodation. The Local Law places the responsibility for occupant behaviour on the owner of the property.

Short Stay Rental Accommodation is defined under the Local Law as “accommodation provided by the owner of a property, for fee or reward, to another person, for no more than 30 consecutive days on that property but does include any property that is required to be registered under any other Act or regulation”.

Short Stay Accommodation does not include other business types registered under other laws, such as Bed and Breakfast providers, hotels and motels, hostels, student dormitories or holiday camps.

Council recognises that most operators of Short Stay Rental Accommodation act responsibly and manage their property appropriately. However, the extent of community concern has been identified that controls were considered necessary.

The controls for this type of accommodation are known as the *Short Stay Rental Accommodation Local Law*.

The Local Law objectives are to:

1. Regulate the control and use of short stay rental accommodation.
2. Ensure an appropriate standard of management affecting the peace of neighbours.
3. Minimise the risk of such accommodation affecting the peace of the neighbours.
4. Regulate and control the use of Short Stay Rental Accommodation by implementing a registration requirement.
5. Include a “maximum stay” duration for customers.
6. Ensure that any waste is managed to protect the environment that visitors come to enjoy.

What is the Standard of Management?

The Local Law establishes a Standard of Management detailing the requirements for the use of the accommodation. This includes the following:

1. The owner or appointed agent must not use or allow to be used a Short Stay Rental Accommodation property in breach of this Local law.
2. The owner or appointed agent must provide contact details of the designated contact person to adjoining and immediate neighbouring properties.
3. The Owner must display Local Law No.1 Neighbourhood Amenity 2022. Part 7 Standard of Management and make available to all occupants and visitors to the dwelling including availability on their website or any social media used by the owner to promote the Short Stay Rental Accommodation.
4. The owner or appointed agent must ensure the use of Short Stay Rental Accommodation property does not interfere with the reasonable use and enjoyment by the residents of their land, or otherwise cause a nuisance.
5. Must ensure that the maximum number of vehicles per booking as prescribed in the registration is not exceeded.
6. Maximum number of vehicles per booking as prescribed in the registration is not exceeded. The Owner must provide information to occupants on parking arrangements prior to arrival.
7. Additional accommodation is not allowed on site by way of tents, caravans, campervans or similar facilities.
8. The Owner must inform occupants of waste disposal arrangements and remove any excess waste left by occupants within 24 hours of occupants departing.
9. An adequate number of bins must be provided for collection and storage of all rubbish. All rubbish should be regularly removed. Council requires the submission of waste management plan.
10. The Owner or agent must not leave residential waste bins out for more than one day before or after the designated collection day.

Who is the Designated Contact Person?

It is a reality that many owners of Short Stay Rental Accommodation do not live locally or are not able to respond in person to complaints about occupant behaviour.

The Local Law requires owners to nominate a Designated Contact Person who can respond to neighbour concerns within two hours (at any time day or night). A contact person could be:

- a security company
- a real estate agent or managing agent
- an individual (including the Owner)

The contact details of the Designated Contact Person will be provided in writing to any adjoining neighbours of a registered Short Stay Rental Accommodation. This includes a neighbouring property directly across from the accommodation.

Please note that Council does not expect any person to be placed in harmful or threatening situations, this includes the designated contact person.

In the event of loud music or aggressive behaviour, continue to call Victoria Police on 000.

We did not receive Designated Contact Person details, what should we do?

Owners of a registered Short Stay Rental Accommodation must provide all adjoining neighbours with the details of the Designated Contact Person in writing. If you did not receive these details your home may not be an adjoining property.

The Designated Contact Person details are recorded with Council and will be provided to neighbours on request. If you have not received the contact details for a property you believe to be a Short Stay Rental Accommodation, or you wish to report a Short Stay Rental Accommodation you suspect to be unregistered, please contact Council during normal business hours on (03) 5671 2211.

Who is required to be registered?

Owners of property used as Short Stay Rental Accommodation as defined by the Local Law must apply for registration and pay the prescribed fee.

Registration is valid for a period of 12 months unless it is cancelled under the Local Law. Registration is property specific and cannot be transferred to another owner.

Enforcement information

Under the new Local Law, the Owners of a Short Stay Rental Accommodation are responsible for their occupants' behavior. This is due to the transient nature of occupancy within the short stay industry, occupants usually only stay for a weekend or a week.

When an Owner registers their Short Stay Rental Accommodation with Council, they are agreeing to the terms and conditions set out by the Local Law.

Owners must:

- register their property with Council
- appoint a Designated Contact Person to respond to neighbour complaints within two hours
- apply the Standard of Management to occupants
- provide adequate off-street parking
- provide adequate garbage bins.

Can I call the Council?

If the behaviour of the occupants of a Short Stay Rental Accommodation is causing a disturbance, then you can phone the Designated Contact Person and ask them to address the problem.

You may also choose to contact Council to report the matter. An Authorised Officer will contact you on the next calendar day to take further details from you and investigate the complaint. This does not include intervention with the occupants, this remains the responsibility of the Owner or the Police.

If you wish to speak to Council during normal business hours, you can call Community Safety on (03) 5671 2211.

What are the consequences if the Local Law is breached?

There are penalties for Owners of a Short Stay Rental Accommodation who do not manage their property in accordance with Local Law No.1 Neighbourhood Amenity 2022.

It is also an offence if an owner of a Short Stay Rental Accommodation does not register their property with Council.

Under the Local Law, any Short Stay Rental Accommodation that receives three substantiated complaints or fails to manage their property as per the stated requirements over the past 12 months may have their registration cancelled.

If you call the Designated Contact Person and they fail to act, you can report this to Council. Any contact made to the Designated Contact Person must be responded to within two hours (day or night).

Please note, in the event of aggressive or antisocial behaviour, the Designated Contact Person may only be able to call the Police for a resolution.

All complaints received by Council will be investigated by an Authorised Officer and must be substantiated to be deemed an offence.

For further information on penalties and infringements, please see the Local Law No.1 Neighbourhood Amenity 2022 Schedule 1.

If you require further information please go to

basscoast.vic.gov.au/ssra