

# Short Stay Rental Accommodation Neighbour Information



## Fact Sheet

*Lifestyle capital of Victoria*

### What is The Short Stay Rental Accommodation Local Law?

In March 2020, Council adopted the *Short Stay Rental Accommodation Local Law 2020*, providing clear guidelines on the required standards for the operation of this type of accommodation.

Short Stay Rental Accommodation is defined under the *Short Stay Rental Accommodation Local Law 2020* 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 not 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.

Frankston City Council welcomes visitors to the area, but must also ensure that local communities continue to enjoy the benefits the area has to offer.

Council recognises that most operators of Short Stay Rental Accommodation act responsibly and manage their property appropriately. However, due to community concern it 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 2020*.

The objectives of the *Short Stay Rental Accommodation Local Law 2020* are to:

- Regulate and control the use of Short Stay Rental Accommodation by implementing a registration requirement
- Ensure an appropriate Standard of Management of behaviour at the accommodation
- Minimise the risk of the accommodation affecting the amenity of the neighbors by providing a designated person for the property
- Place the responsibility for the occupant behaviour on the owner of the Short Stay Rental Accommodation
- Enforce the requirements of the Local Law and Standard of Management in the event of a breach or failure to comply with a notice of direction

### What is the Standard of Management?

The *Short Stay Rental Accommodation Local Law 2020* includes a Standard of Management detailing the requirements for the use of the accommodation.

**PART 3 – STANDARD OF MANAGEMENT** (please read in conjunction with the *Short Stay Rental Accommodation Local Law 2020*)

- 3.1 The owner must not use or allow to be used a *Registered Short Stay Rental Accommodation property* in breach of this Local Law.

3.2 The *owner* must provide the occupiers of each contiguous property with the current contact details of the designated person required in clause 2.5.1(b).

3.3 The *owner* must display and make this Local Law available to all *occupants* and *visitors* to the *property* including availability on their website or any social media used by the *owner* to promote the *Short Stay Rental Accommodation property* and must incorporate the Provisions of Part 3 of this Local Law into rental terms and conditions.

3.4 The *owner* and *occupant* must ensure the use of the *property* does not interfere with the reasonable use and enjoyment by nearby residents of their land, or otherwise cause a nuisance.

3.5 Any person who behaves in an unacceptable manner shall be guilty of an offence. Unacceptable behaviour includes but is not limited to:

- (a) Loud or aggressive behaviour; or
- (b) Yelling, screaming or arguing.

3.6 Off-street parking should be provided for all occupant and visitor motor vehicles. The owner must provide information to occupants on parking arrangements prior to arrival.

3.7 Additional accommodation is not allowed on site by way of tents, caravans, campervans or similar facilities.

3.8 The *owner* and *occupant* must ensure outdoor areas including swimming pools, spas, outdoor decking and balconies are not to be used between 11.00pm and 7.00am.

3.9 The *owner* must inform *occupants* of waste disposal arrangements and remove any excess waste left at the *property* by any person within 24 hours.

3.10 An *owner* or *occupier* must not leave a *receptacle* out for more than one day before or after the designated collection day.

### Who is the Designated Person?

Many owners of Short Stay Rental Accommodation do not live locally or are not able to respond in person to complaints about occupant behavior.

The *Short Stay Rental Accommodation Local Law 2020* requires owners to nominate a designated person who can respond to neighbour concerns within two hours. A designated person could be:

- A security company
- A real estate agent or managing agent
- An individual (including the Owner)

The contact details of the designated person will be provided in writing to any contiguous neighbours of a registered Short Stay Rental Accommodation.

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

Please note that Council does not expect any person to be placed in harmful or threatening situations. This includes the Designated Person.

Please note Part 4.1.2, 4.1.3 & 4.1.4 of the Short Stay Rental Accommodation Local Law 2020

4.1.2 A person must not make a false, or misleading, or harassing, or vexatious complaint in relation to an alleged breach of this Local Law.

4.1.3 A person must not outside of business hours, make a complaint about an alleged breach of this Local Law if there is no occupant at the Short Stay Rental Accommodation at the time of making the complaint.

4.1.4 Any breach of this Local Law carries a penalty of 20 penalty units.

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

Owners of a registered Short Stay Rental Accommodation must provide all contiguous neighbours with the details of the designated person

in writing. If you did not receive these details your home may not be a contiguous property.

The designated person details are recorded with Council and may be provided to neighbours on request. If you have not received the designated person's 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 1300 322 322.

### Who is required to be registered?

Owners of a property used as Short Stay Rental Accommodation as defined by the *Short Stay Rental Accommodation Local Law 2020* must apply for registration and pay the prescribed fee of \$150.00.

Registration is valid for a period of 12 months, unless it is cancelled under the *Short Stay Rental Accommodation Local Law 2020*. Registration cannot be transferred to another owner if you sell the property, or transferred to another property.

### Enforcement Information

When an owner registers their Short Stay Rental Accommodation with Council, they are agreeing to the terms and conditions set out by the 'Short Stay Rental Accommodation Local Law 2020' and The Standard of Management.

- The owner and occupant must ensure the use of the property does not impact on the amenity expected to be enjoyed by surrounding residents
- The owner must not use or allow to be used a registered Short Stay Rental Accommodation in breach of this Local Law
- The Owner must display and make this *Short Stay Rental Accommodation Local Law 2020* available to all occupants and visitors to the property including availability on their website or any social media used by the owner to promote the Short Stay Rental Accommodation property and must

incorporate the Provisions of Part 3 of this Local Law into rental terms and conditions.

- The owner and occupant must control and be responsible for the behavior of any occupants at the property. Any person who behaves in an unacceptable manner shall be guilty of an offence. Unacceptable behavior includes but is not limited to:
  - Loud or aggressive behavior
  - Yelling, screaming or arguing
- Off street parking should be provided for all occupant and visitor motor vehicles. The owner must provide information to occupants on parking arrangements prior to arrival
- Additional accommodation is not allowed on the property by way of tents, caravans, campervans or similar facilities
- The owner and occupant must ensure outdoor areas including swimming pools, spas, outdoor decking and balconies are not to be used between 11.00pm and 7.00am
- The owner must inform occupants of waste disposal arrangements and remove any excess waste left at the property by any person within 24 hours
- An owner or occupant must not leave a waste receptacle out for more than one day before or after the designated collection day

### Can I call the Council?

If the behavior of the occupant/s of a Short Stay Rental Accommodation is causing a disturbance you can phone the designated person and ask them to address the problem. If a serious problem persists after hours contact Victoria Police on 000.

You can contact Council to report the matter the following business day. An Authorised Officer will contact you to take further details from you and investigate the complaint.

You can contact Council's Community Safety Department during normal business hours on 1300 322 322.

Please note Part 4.1.2, 4.1.3 & 4.1.4 of the Short Stay Rental Accommodation Local Law 2020

4.1.2 A person must not make a false, or misleading, or harassing, or vexatious complaint in relation to an alleged breach of this *Short Stay Rental Accommodation Local Law 2020*.

4.1.3 A person must not outside of business hours, make a complaint about an alleged breach of this Local Law if there is no occupant at the Short Stay Rental Accommodation at the time of making the complaint.

4.1.4 Any breach of this *Short Stay Rental Accommodation Local Law 2020* carries a penalty of 20 penalty units.

### What are the consequences if the 'Short Stay Rental Accommodation Local Law' is breached?

There are penalties for owners of a Short Stay Rental Accommodation who do not manage their property in accordance with the terms and conditions as set by the 'Short Stay Rental Accommodation Local Law 2020'.

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

Under the *Short Stay Rental Accommodation Local Law 2020*, any Short Stay Rental Accommodation that receives three substantiated complaints, or where the owner fails to manage their property as per the stated requirements in a 12 month period may have their registration cancelled.

The designated person must respond to a call within two hours.

In the event of aggressive or antisocial behavior, the designated person may only be able to call Victoria Police for a resolution.

If the behavior persists we recommend you call 000.

Please note Part 4.1.2, 4.1.3 & 4.1.4 of the *Short Stay Rental Accommodation Local Law 2020*

4.1.2 A person must not make a false, or misleading, or harassing, or vexatious complaint in relation to an alleged breach of this Local Law.

4.1.3 A person must not outside of business hours, make a complaint about an alleged breach of this Local Law if there is no occupant at the Short Stay Rental Accommodation at the time of making the complaint.

4.1.4 Any breach of this Local Law carries a penalty of 20 penalty units.

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 'Short Stay Rental Accommodation Local Law 2020' and The Standard of Management.

If you require further information please go to [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au)