

Short Stay Rental Accommodation Owner Information



Fact Sheet

Lifestyle capital of Victoria

What is The Short Stay Rental Accommodation Local Law 2020?

In March 2020, Council adopted the *Short Stay Rental Accommodation Local Law 2020*, providing clear guidelines on the required standards for the operations of this type of accommodation. The 'Short Stay Rental Accommodation Local Law 2020' places the responsibility for Occupant behavior 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 not include any property that is required to be registered under any other Act or regulation."

Short Stay Rental 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, 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 this Local Law 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 peace of the neighbours 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 Local Law 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 neighbor concerns within two hours. A designated person may be:

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

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

In the event of loud music or aggressive behavior, 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.

What does Council suggest to prevent a disturbance of the peace?

You may find the following suggestions helpful in operating your Short Stay Rental Accommodation:

- Employ a security company as the designated person to be available to attend immediately upon request by a Neighbour or yourself
- Undertake thorough vetting of potential occupiers before accepting a booking
- Ensure you have mobile phone contact details for incoming occupants. This will enable the designated person to contact the Occupants of the Short Stay Rental Accommodation by telephone to resolve the issue (rather than attend in person). This may resolve a complaint or matter

- Send an automated text message or email through an online platform to the occupant on the day they arrive at your accommodation informing them that an agent (or security company) will be actively monitoring accommodation and where there is a disturbance of the peace they will be asked to leave immediately
- Where possible enclose balconies, or install blinds and screens to reduce the line of sight and noise spill
- Introduce yourself and develop a good relationship with neighbours that live near the Short Stay Rental Accommodation
- It is suggested you collect the vehicle registration of tenants to follow up should you have any behavioural problems

Am I required to register my accommodation?

If you are the owner of Short Stay Rental Accommodation in the Frankston City Council municipality, you are required to register that property with the Council.

To apply for registration, you will need to complete the online application form and pay the prescribed fee of \$150.00. This will be calculated on a pro rata quarterly basis. Follow the online application process. Registration will be renewed annually subject to the property meeting expected standards.

What will happen when my registration is about to expire?

Short Stay Rental Accommodation premises registered with the Council will be sent an invitation to renew annually in May, prior to the current registration period (12 months) expiry.

Any premises found to be operating without a current registration will be subject to enforcement action

How do I update my Short Stay Rental Accommodation details?

If you wish to change the postal address, designated person information or advise of a managing agent, please advise Council in writing.

Please note Short Stay Rental Accommodation registration applies to a specific property. In the event the Short Stay Rental Accommodation property is disposed of please advise Council in writing.

If a new owner intends to use the acquired property for Short Stay Rental Accommodation, they too must apply to register the property under their details, prior to accepting occupants at the short stay accommodation.

You can access Short Stay Rental Accommodation forms and resources at:

<https://www.frankston.vic.gov.au/>

How much parking is required on site?

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

Additional accommodation, such as tents, caravans, campervans or similar facilities are not to be allowed on site.

What if my property has a swimming pool, spa, outdoor balcony or decking?

Outdoor areas are not to be used by the occupants of the Short Stay Accommodation between the hours of 11.00pm and 7.00am any day.

This includes the use of swimming pools, spas, outdoor decking areas or balconies.

Enforcement information

It is an offence to accept a rental booking for a Short Stay Rental Accommodation not registered within

the requirements of the Short Stay Rental Accommodation Local Law.

Registration may be cancelled if Council receives three substantiated complaints concerning the activities taking place at the dwelling, over a rolling 12 month period.

Registration may be cancelled immediately in the event a substantiated complaint is of such severity that immediate cancellation is warranted.

Please see the Short Stay Rental Accommodation Local Law 2020 Section 2.7 Rights of Appeal.

- 2.7.1 An *owner* who disagrees with the determination to cancel the *registration* of a *Short Stay Rental Accommodation property* may seek a review of that determination by lodging a written request for review within 28 days of being notified of the determination.
- 2.7.2 Council will appoint a committee to consider and determine any request for review. The committee will comprise of suitably qualified persons and may include the Director Community Development, Manager Governance & Information and Manager Community Safety.
- 2.7.3 An owner may make written and/or oral representations to the committee for the purposes of the review. If representations are not provided to the committee within 14 days of the request for review being made, or such longer period provided by the committee, the committee may determine the request for review without them.
- 2.7.4 The committee will determine the review within a reasonable time of receiving it and will inform the owner of its decision in writing.
- 2.7.5 The decision of the committee is final and will not be subject to further internal review.

If you require further information please go to <https://www.frankston.vic.gov.au>