



**City of Asbury Park Short-Term Rental Policy: Frequently Asked Questions**

**1. What is a short-term rental?**

A short-term rental is when a property owner rents out their property, or a permitted part of their property (such as a bedroom), to a guest for a short (30 days or less) period, up to a cumulative total of 180 days in a calendar year. Short-term rentals are usually facilitated through the use of online companies such as AirBnB, HomeAway or VRBO (Vacation Rentals by Owner), and other similar websites.

**2. Does the City currently allow short-term rental of properties?**

Yes, pursuant to the City’s current adopted Short-Term Rental (STR) Ordinance (City Code § 13-1300), the short-term rental of five (5) classifications of properties, as defined in the STR Ordinance, are permitted, once the owner successfully applies for, and obtains, a Short-Term Rental Permit.

**3. What is the difference between a short-term rental and a long-term rental?**

<b>Short-Term Rental (STR Permit)</b>	<b>Long-Term Rental (Certificate of Occupancy)</b>
Allows rentals of 30 days or less	Allows rentals of 31 days or more
A STR Permit allows for unlimited rentals during a 12-month period (up to a cumulative total of 180 days)	A Certificate of Occupancy is required for every change in tenant
Allows rentals for five (5) eligible classifications of properties	Allows rentals for any residential dwelling unit
One inspection required over a 12-month period	An inspection is needed for each new rental
One permit fee for all rentals in a 12-month period	A fee is required for each new rental

**4. Which properties are permitted to rent on a short-term basis under the STR Ordinance?**

The STR Ordinance provides for five (5) classifications of properties permitted to be rented on a short-term basis; those classifications are as follows:

- 1) A condominium, so long as the Association and its bylaws permit short-term rentals, and the unit is the principal residence of the owner;
- 2) A single-family residence, where the property is the principal residence of the owner;
- 3) One (1) unit in a two-family residence, where the other unit is the principal residence of the owner;
- 4) One (1) unit in a multi-family residence, where one of the other units is the principal residence of the owner;
- 5) Not more than two rooms (i.e. a bedroom) within a single-family residential dwelling unit, where the room shares common kitchen and bathroom facilities with the occupant of the dwelling unit, and the remainder of the single-family dwelling unit is owner-occupied.

**5. What constitutes a property being a “principal residence” for purposes of the STR Ordinance?**

The following three (3) requirements must all be met in order for an address to constitute being a principal residence:

- a) Where at least one of the property owners spends the majority of his or her non-working time;
- b) The property is most clearly the center of his or her domestic life;
- c) The address which is identified on his or her driver’s license or state identification as being his or her legal address.

**6. If my property does not match one of the five (5) permitted property classifications in STR Ordinance can I still rent it on a short-term basis?**

No, however the property may be eligible to be rented for 31 days or more, i.e. for the entire summer season, winter rentals, long term rentals, etc. A Certificate of Occupancy is required to be obtained each time the occupants change in the property.

**7. How do you obtain a Short-Term Rental Permit, how much does it cost and how long is it valid?**

Eligible property owners or entities can submit a Short-Term Rental Permit application to the City of Asbury Park's Department of Code Enforcement, together with all required documentation, and the first-year permit fee of \$500. Following the first year, the annual fee for renewal of the permit is \$100. This fee covers the STR Permit as well as fees for all inspections. The City will issue a Short-Term Rental Permit to applicants who satisfy all requirements, which includes an inspection of the property. Permits are valid for 12-months from the date of issuance or until the transfer of the property, whichever occurs first. Once the permit is obtained, the property may be advertised for rental on a short-term basis. All advertisements must contain the permit number issued by the City.

**8. Am I required to provide the names or information regarding the occupants during the short-term rental of my property and why?**

Yes, each time you change occupants of your property throughout the 12-month period, you are required to submit a Short-Term Rental Occupant Change Form to the City. This form requires, among other information relating to your STR, the names, ages and gender of each occupant of the property. This form may be completed and submitted online. When you rent your property in the City, this basic identifying information is required so police, fire, emergency personnel and City Officials are aware of who is occupying the property at all times. Further, it is required to ensure that no overcrowding of the property is occurring.

**9. What happens if I don't get a STR Permit for my short-term rental property and advertise it for rent on a website, or actually rent it on a short-term basis?**

If you advertise or operate a short-term rental property without the required permit, you will be found in violation of the City of Asbury Park's Ordinances and will be subject to summonses with civil penalties. Fines under the Ordinance are as high as \$2,000 per violation with each day's rental of the property constituting a new and separate violation. The City of Asbury Park uses enforcement software, which aids in tracking, monitoring, and identifying permitted and unpermitted operations of short-term rental properties.

**10. Why regulate short-term rentals in the first place?**

There are many reasons why local government leaders are focused on finding ways to manage the rapid growth of short-term rental properties in their communities. To name a few:

- 1) Conversion of residential units into short-term rentals can result in less availability of affordable housing and long-term rental options, as well as higher rents for long-term renters in the community.
- 2) Short-term renters may not always know (or follow) local rules, resulting in public safety risks, noise issues, trash and parking problems affecting nearby residents.
- 3) Unfair competition from unregulated and untaxed short-term rentals reduces demand for local bed & breakfasts, hotels and motels, jeopardizing local jobs.
- 4) Lack of proper regulation or limited enforcement of existing ordinances may cause tension or hostility between short-term landlords and their neighbors.
- 5) Increased tourist traffic from short-term renters has the potential to interfere with building community, affecting churches, schools and other community-based organizations.