

Short Stay Rental Accommodation Fact Sheet for Neighbours

What is the Short Stay Rental Accommodation Local Law?

Over 1.6 million people stay overnight when visiting the Mornington Peninsula each year, making it the third largest short stay rental accommodation destination in Australia. The Mornington Peninsula Shire welcomes these visitors to the region, but must also ensure that local communities continue to enjoy the benefits the area has to offer.

Council has adopted the *Short Stay Rental Accommodation Local Law 2022* to provide clear guidelines on the required standards for the operation of this type of accommodation. The Local Law places the responsibility for occupant's behaviour on the owner of the property.

Short Stay Rental Accommodation is defined under the Local Law as accommodation for no more than 30 consecutive days or one month in a dwelling for commercial gain.

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 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. Place the responsibility for occupant behaviour on the owner of the Short Stay Rental Accommodation.
2. Implement a Code of Conduct to ensure an appropriate standard of management of behaviour at the accommodation.
3. Minimise the risk of the accommodation affecting the peace of the neighbours by providing a Designated Contact Person for the property.

4. Regulate and control the use of Short Stay Rental Accommodation by implementing a registration requirement.
5. Enforce the requirements of the Local Law and Code of Conduct in the event of a breach or failure to comply with a legal notice.

The Code of Conduct creates a standard of management that must be adhered to under the Local Law.

What is the Code of Conduct?

The Code of Conduct details the requirements for the use of the accommodation. This includes the following:

1. The owner must control and be responsible for the behaviour of occupants at the dwelling. Unacceptable behaviours include:
 - aggressive behaviour
 - yelling
 - screaming and arguing
 - loud cheering, clapping and singing
2. Off-street parking must be provided for all occupants' motor vehicles. The owner must provide information to occupants on parking arrangements prior to arrival.
3. Additional accommodation is not allowed on site by way of tents, caravans, campervans or similar.
4. Outdoor areas including swimming pools, spas, outdoor decking and balconies are not to be used between 11pm and 7am.
5. The owner must inform occupants of waste disposal arrangements and remove any excess waste left by occupants. An adequate number of bins must be provided for collection and storage of all rubbish.
6. The owner must display and make the Code of Conduct available to all occupants and visitors to the property, including availability on their website or any social media used by the owner to advertise the property, and must incorporate the Code of Conduct provisions into rental terms and conditions.

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7. The owner of a Short Stay Rental Accommodation dwelling must maintain the property and land in good condition.

Who is a Designated Contact Person?

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

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

- a security company
- a real estate agent or managing agent
- an individual

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

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

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 neighbouring Short Stay Rental Accommodation, please contact Council on 1300 850 600.

Who is required to register Short Stay Rental Accommodation?

All owners must register their Short Stay Rental Accommodation with Council. Failure to do so may result in infringements or further legal action being taken.

All registrations are valid for a period of 12 months.

What do we do if Short Stay Rental Property occupants are disturbing us?

Under the Local Law's Code of Conduct, the owner of a Short Stay Rental Accommodation is responsible for their occupants' behavior.

If the behaviour of the occupants is causing a disturbance at any time of the day or night, start by contacting the Designated Contact Person and asking them to address the problem. If you call the Designated Contact Person and they fail to act, you can report this to Council.

In the event of aggressive or antisocial behaviour, the Designated Contact Person may only be able to call the Police to resolve the issue. Council does not expect any person to be placed in harmful or threatening situations, including the designated contact person. In the event aggressive behaviour, contact Police on 000.

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 the Local Law or the Code of Conduct.

For further information please visit
mornpen.vic.gov.au/shortstay