

Q: I have heard there are changes to Short Stay Rental Accommodation regulations. Where can I find this information?

There are significant changes to the operation of a Short Stay Rental Accommodation within the Mornington Peninsula Shire region. Owners of Short Stay Rental Accommodation are now required to be registered with Council to be able to operate this accommodation type.

Owners are also required to manage their property in accordance with the Code of Conduct. You can find further information at mornpen.vic.gov.au/ShortStay

Q: What is the Short Stay Rental Accommodation Local Law?

The Mornington Peninsula is the third highest Short Stay Rental Accommodation destination in Australia. The development of holiday booking websites has allowed increasing numbers of homeowners on the Peninsula to share their property with visitors. The Short Stay Rental Accommodation Local Law came into effect on 17 May 2018 and provides clear guidelines on the required standards for the operation of this type of accommodation.

The objectives of the Short Stay Rental Accommodation Local Law are to;

- 1) Regulate and control the use of Short Stay Rental Accommodation within the Municipal District of the Mornington Peninsula Shire;
- 2) Ensure an appropriate standard of management and presentation of such accommodation;
- 3) Minimise the risk of such accommodation affecting the peace of the neighbours;
- 4) Implement a registration requirement;
- 5) Provide for a Code of Conduct under the Local Law.

Q: Where can I get a copy of the Short Stay Rental Accommodation Local Law and the Code of Conduct?

You can obtain a copy of these by visiting mornpen.vic.gov.au/ShortStay. Both documents can be downloaded and printed as required. Alternatively, Council has created an Information Pack for Owners and an Information Pack for neighbours. The packs contain further information as well as a copy of the Local Law and Code of Conduct.

Q: How do I apply to register?

You can apply to register online via the Short Stay information page. Applications must be complete and be accompanied by the prescribed registration fee mornpen.vic.gov.au/ShortStay

Q: What is the Code of Conduct?

The Local Law establishes a Code of Conduct detailing the requirements for the use of the accommodation. The objectives are to specify the minimum operating standards, presentation and use of Short Stay Rental Accommodation within the Municipal District of the Mornington Peninsula Shire. These measures are known as the controls and 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 facilities.
4. Outdoor areas including swimming pools, spas, outdoor decking and balconies are not to be used between 11pm and 7:00am.
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. All rubbish should be regularly removed.
6. The Owner must display and make the Code of Conduct 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 and must incorporate the Code of Conduct provisions into rental terms and conditions.
7. The Owner of a Short Stay Rental Accommodation dwelling must maintain any land connected to the dwelling in good condition.

Under the Local Law, a Designated Contact Person is a requirement for Short Stay Rental Accommodation registration. This also forms part of the required standard of management.

Q: How much does it cost to register?

Application costs \$100.00 for the 2018/2019 registration period. Registration is valid for a period of 12 months.

Q: What are the registration requirements?

To apply for registration of your Short Stay Rental Accommodation, the following information is required:

- The address of the Short Stay Rental Accommodation
- A “Designated Contact Persons” name and phone number
- A postal address for correspondence
- Details of any managing agent or property manager (if managing the property for you)
- Payment of the prescribed \$100.00 application fee.

Applicants must provide a Designated Contact Persons name and telephone number. A Designated Contact Person must respond to any contact they receive in relation to the Short Stay Rental Accommodation, within a two-hour period any time day or night. Further information on the Designated Contact Person can be found in the Fact Files for Owner and neighbours at mornpen.vic.gov.au/ShortStay.

Applications to register cannot be submitted or accepted by Council without all fields of the application form being completed. To apply for registration please open the link provided above and follow the “Application to Register” link.

Q: I am a Real Estate Agent; do I need to register with Council for Short Stay Rental Accommodation?

The Short Stay Rental Accommodation registration is property specific, the registration is allocated to a physical property address. Real Estate agents and Property Managers should ensure that they register all Short Stay Rental Accommodation properties they manage (on behalf of clients) with Council no later than 30 September 2018. Properties cannot be advertised unless they are currently registered with Council, this includes Real Estate listings.

Q: Who is the Designated Contact Person and how can I get their details?

It is a reality that many Owners of Short Stay Rental Accommodation 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 will respond within two hours (at any time day or night). A contact person could be:

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

The Designated Contact Person detail 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.

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.

Q: What are Council expectations of the Designated Contact Persons response in relation to loud occupants after 11pm or unruly behaviour?

Council holds the following expectations of a Designated Contact Person:

1. The Designated Contact Person is the local liaison between the Owner and the occupants
2. The Designated Contact Person is expected to respond to complaints (within 2 hours of any time day or night) by:
 - a. Taking details of the concerns from the neighbour
 - b. Contacting the occupant(s) and asking them to change their behaviour immediately
 - c. Attending the Short Stay Rental Accommodation and ensuring the inappropriate behaviour has ceased
 - d. Updating the neighbour or complainant with details of your response to the matter
3. If the Designated Contact Person finds the occupants to be exhibiting aggressive behaviour, then they must contact the Police directly

Council does not expect any person to be placed in harmful or threatening situations and this includes the Designated Contact Person. In the event of threatening or aggressive behaviour, please continue to call Victoria Police on 000.

Any action taken by the Designated Contact Person in response to a complaint, will be taken into consideration by the Investigating Officer when a complaint matter is investigated.

Q: How can an Owner reduce the likelihood of complaints being made against their Short Stay Rental Accommodation in relation to noise or parties?

The terms and conditions of your Short Stay Rental Accommodation are not directed by the Local Law or Council. If an owner is unsure how to do this, they may contact an industry professional to seek their advice on running a Short Stay Rental Accommodation.

Appropriate vetting and screening of potential occupants is a highly effective in reducing the likelihood of complaints being made against the Short Stay Accommodation from guest behaviour. The penalties and subsequent consequence (such as deregistration) for breaching the Local Law may be greater than the expense incurred from obtaining professional advice.

Q: What will the registration provide me?

The Code of Conduct creates a uniform standard of management consistent across the industry for properties registered for Short Stay Rental Accommodation on the Mornington Peninsula. Online there are several resources Council has created for Owners of Short Stay Rental Accommodation to use, as required.

There is a template “Letter to neighbours” Owners can use. This form allows owners to add their Designated Contact Person details for neighbour advice. Under Section 3.1.3 of the Local Law, the Owner is required to provide adjoining neighbours on all boundaries and neighbours immediately across the road from the dwelling with the current contact details of the Designated Contact Person required.

There is also a “Displayable Code of Conduct” Owners can download, which can be used to display the Code of Conduct requirements within their Short Stay Rental Accommodation. There is additional space on this resource that owners can add specific property information too if required.

Q: What is the cost of processing the applications that justifies the application fee being charged, how would a fee benefit the residents and home owners?

Council have set a prescribed annual fee of \$100.00 for the registration of a Short Stay Rental Accommodation property. The fee has been set to encourage compliance in the first year of the Local Laws implementation.

Many Owners of Short Stay Rental Accommodation do not reside within the Mornington Peninsula Shire. The Mornington Peninsula Shire’s property rates are

calculated using a formula that considers the cost of providing up to 100 council essential services for the local community. The funds collected from the application fee will also meet the estimated expense of investigation, enforcement and prosecution of proven complaint matters.

Q: Can I apply to register a property on behalf of someone else? I am a property manager and several clients would like me to complete the application process on their behalf?

Property managers and Real Estate agents can complete the application for a Short Stay Rental Accommodation property on behalf of a client. The person completing the application must ensure the information they provide is true and correct. Any changes to the Short Stay Rental Accommodation information provided at the time of the Short Stay Rental Accommodation Registration must be advised to Council immediately.

Please be aware when completing the online application form itself, the section titled “applicant information” will be the person named on the Short Stay Rental Accommodation Certificate of Registration. If you do not wish this to occur and you are the managing agent, please provide your details in the section titled “Agents Details”.

Q: Do I need to register under Short Stay Rental Accommodation if my property is governed by a Body Corporate or Owners Corporation?

With regards to properties such as apartments, units or villas, the State Government has passed changes that governs how these properties are used as short stay rentals. The Owners Corporation Amendment (Short-Stay Accommodation) Bill 2016 was recently passed by the Victorian Parliament and will come into operation on 1 February 2019 (unless proclaimed earlier).

Under the new legislation, owner’s corporations can deal with short-stay tenants who breach the short-stay standards of conduct, which includes:

- creating unreasonable noise and behaviour;
- causing a health, safety and security hazard;
- damaging common property; and
- obstructing a resident from using and enjoying the property.

However, at this time any accommodation that meets the definition of a Short Stay Rental Accommodation under the Local Law; *meaning accommodation for no more than 30 consecutive dates or 1 month in a dwelling for commercial gain, excluding other accommodation premises require to be registered under alternate legislation,*

must be registered with the Shire under the Short Stay Rental Accommodation Local Law.

Q: We own several units that have an agreement to rent out to Defence Force staff and families, often rented at various times of the year varying from a few days to a few months. Am I required to be registered for Short Stay Rental Accommodation under the new Local Law?

In this scenario described, you would not be considered a Short Stay Rental Accommodation type and this arrangement would fall under other legislation. This is primarily due to two factors where there is a private contract between yourself and a Government entity around the accommodation you provide, even if for commercial gain. This is also a primary place of residence rental and not intended for tourism or holiday makers.

Q: What are the penalties if I don't comply with regulations? Where can I find this information?

You can view enforcement information under the Short Stay Rental Accommodation Local Law Schedule 1, "Specific Penalties for Infringement Notice Purposes".

The enforcement section of the Short Stay Rental Accommodation Local Law details what is considered an Offence under the Local Law, as well as the penalty units for noncompliance.

Occupant behaviour is the responsibility of the Owners and Council has further information on managing occupant behaviour for Owners within the resource "Fact File – for Owners". Please see mornpen.vic.gov.au/ShortStay to view this resource.

Q: What are the penalties and how much are they?

The current value of a fixed penalty unit effective from 1 July 2018 is \$100.00. Under the Short Stay Rental Accommodation Local Law Schedule 1, you will find the specific penalties for Infringement Notice Purposes.

Q: How do I make a complaint?

In the event of an afterhours complaint, you can call Council outside normal business hours 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.

The afterhours contact service is available from 5pm to 8:30am weekdays (and all weekend), please call 1300 850 600. If you wish to complain to Council during standard business hours, you can call the Environmental Protection Unit on 5950 1050.

Q: What happens if a neighbour complains about my Short Stay Rental Accommodation?

All complaints reported to Council must be substantiated. If a neighbour complains about your property to Council, this will be investigated by an Authorised Officer of the Shire. Substantiated complaints may cancel registration of a Stay Short Rental Accommodation if:

- Council receives no less than three substantiated complaints within a rolling twelve-month period
- OR
- A substantiated complaint is of such severity that immediate cancellation is warranted.

If a neighbour of your short stay rental accommodation complains to Council, their complaint must be substantiated. Complaints relating to the operation of the Short Stay Rental Accommodation can affect your properties registration with Council and Owners found in breach of their obligations may also be issued a Notice to Comply.

If you do not agree with a Council decision or an enforcement matter you may lodge an appeal in writing to Council. For further information regarding this please see the Short Stay Rental Accommodation Local Law, Section 2.7 Rights of Appeal.

Q: We don't get on with our neighbours anyway and they complain about everything. Do you have any advice for dealing with our neighbours regarding our Short Stay Rental Accommodation?

You may find the following suggestions helpful:

- Employ a security company (as the Designated Contact Person) to be available to attend immediately upon request by a neighbour or yourself.
- Thorough vetting of potential occupiers before accepting a booking.
- Ensure you have mobile phone contact details for incoming occupants. If the Designated Contact Person can contact the occupants of the Short Stay Rental Accommodation by telephone to resolve the issue (rather than attend in person), this is potentially the simplest way to 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 disturbance of 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

Q: Do I need to tell my neighbours I have a Short Stay Rental Accommodation?

Under the Short Stay Rental Accommodation Local Law, Owners must provide adjoining neighbours on all boundaries and neighbours immediately across the road from the dwelling with the current contact details of the Designated Contact Person, required in clause 2.5.1(b) of the Local Law.

Council suggests that Owners of a Short Stay Rental Accommodation introduce themselves to neighbours of your accommodation and endeavour to develop a good relationship with them.

Q: How will Council find out about all the Short Stay Rental Accommodation properties on the Mornington Peninsula? What if an owner decides not to register their property?

The Shire will undertake measures to locate unregistered properties. If you believe a property near you is being used as a Short Stay Rental Accommodation, you can contact the Shire to advise this. The Shire will be able to check the location and confirm whether the property is registered for Short Stay Rental Accommodation under the Local Law.

An online form, located under the Short Stay Rental Accommodation page, may also be used to report a suspected unregistered property. Please see mornpen.vic.gov.au/ShortStay

Q: I have read that the Shire will be using Security Agents to patrol areas during the evening, what does this mean?

The Shire will utilise part of the funding raised by Short Stay Rental Accommodation Registration fees to engage a Security Company who will proactively patrol known problem areas. The Security and Victoria Police will report complaints and other matters to Council for investigation by our Authorised Officers on the next calendar date.

Q: If someone calls and complains about a Short Stay Rental Accommodation and they are in our system as registered I assume enforcement will be taken?

A complaint received by Council will be investigated by an Authorised Officer. Complaints must be substantiated before enforcement will occur. Three substantiated complaints, within a 12-month period, may result in the cancellation of registration.

Q: I received contact details for a Short Stay Rental Accommodation in my street, but I want to speak to the Owner, can I have their contact information?

Under the privacy act, we cannot divulge information that is private. The Designated Contact Person was nominated by the Owner and this is the only detail that is publicly available. If you have a complaint regarding the property, Council will take this information from you to perform an investigation. All complaints should initially be directed to the Designated Contact Person for the property, to allow for the contact to respond and potentially resolve the matter.

Q: Why do I have a security company phone number as a Designated Contact Person from the owner?

Under the Local Law, a Designated Contact Person is a requirement for Short Stay Rental Accommodation registration. This also forms part of the required standard of management. It is a reality that many Owners of Short Stay Rental Accommodation 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 will respond within two hours (at any time day or night).

The Designated Contact Person could be a security company, a real estate agent or managing agent or an individual. The Designated Contact Person must respond to any contact made to them, within a 2-hour period. If an Owner is not able to attend their property during a period of rental accommodation, they may have nominated a third party as listed above to act on their behalf.

Q: What is Council doing to shut down all the party houses on the Peninsula?

The Short Stay Rental Accommodation Local Law objectives are to minimise the impact and risk of occupants affecting the peace and enjoyment of your home and local area. It is not the objective of the Short Stay Accommodation Local Law to shut down legitimate operators.

Any complaints relating to “party houses” should be lodged with Council. Council will establish which Laws are applicable to the complaint scenario. If the property is not a

Short Stay Rental Accommodation, as defined by the Local Law, the complaint will be investigated by the appropriate area within Council and subject to any enforcement or penalty under other applicable laws, where applicable.

Q: I have a property I advertise on Airbnb, HomeAway & similar online platforms. Do I need to register?

If your property is defined as a Short Stay Rental Accommodation, as per the Local Law, then you are required to be registered. Short Stay Rental Accommodation is defined as “accommodation for no more than 30 consecutive days or 1 month in a dwelling for commercial gain, excluding other accommodation premises required to be registered under alternative legislation”. If your property activity is defined as above, you are required to be registered.

Q: We just rented a Short Stay Rental property last weekend on the Peninsula and we have just given an infringement from the Owner. Why have we received an infringement and what are the details of the fine, we have only been given an amount to be paid?

Under the Local Law Owners are responsible for occupant behaviour and conduct at their Short Stay Rental Accommodation. The owner may have received an infringement after a complaint was made to Council regarding the activity at the property over a weekend. Due to the infringement being issued to an Owner, and therefore another person’s name, we cannot discuss the specifics of the infringement with you due to Privacy Laws. Council will pursue the person named on the infringement notice if the notice remains unpaid.

This scenario described is not a Council issue and is in fact a civil matter. We advise that you contact the Owner to discuss the matter further or, if you used a host platform to book the accommodation (such as Air BnB) contact the host website to seek assistance in resolving the matter.

Q: I own a unit and want to rent this out as a Short Stay Rental Accommodation. Can I do this with a Body Corporate governing the units on the property?

With regards to properties such as apartments, units or villas, the State Government has passed changes that governs how these properties are used as Short Stay Rental Accommodation. The Owners Corporation Amendment (Short-Stay Accommodation) Bill 2016 was recently passed by the Victorian Parliament and it will come into operation on 1 February 2019 (unless proclaimed earlier). Under the new legislation,

owner's corporations can deal with Short Stay Rental Accommodation tenants who breach the short-stay standards of conduct.

However, **at the time of this publication**, any accommodation that meets the definition of a Short Stay Rental Accommodation under the Local Law; *meaning accommodation for no more than 30 consecutive dates or 1 month in a dwelling for commercial gain, excluding other accommodation premises require to be registered under alternate legislation*, must be registered with the Shire under the Short Stay Rental Accommodation Local Law.

Q: We have a noisy Short Stay Rental Accommodation in our street and I want to speak to the property Owner, can I have the Owners contact details or address that Council has?

Only the Designated Contact Person detail can be given out to a third party, this is due to the Privacy Act. Council can provide the caller with the Designated Contact Person detail for future reference. At the time of a disturbance you should:

- Call the Designated Contact Person to advise of the issue
- Call the Council to report the matter (or lodge an online report)
- If the matter is serious, call Victoria Police on 000 immediately

If the caller has a Short Stay Rental Accommodation complaint they should follow the Council's complaint process and Council will investigate the matter. Complaints regarding a Short Stay Rental can be made online via Report a Problem (there is a short stay option), or by calling Council anytime. Please note the afterhours telephone service will take the details of your call and a complainant will be contacted by an Authorised Officer within 1 calendar day, this includes weekends.

Q: A person knocked on our front door over the weekend and identified themselves as a Council officer, why they would be knocking on the weekend?

Council officers patrol the Peninsula region every day of the year including weekends and public holidays. If you reported a Short Stay complaint to Council, even afterhours, you will be contacted on the next calendar date to discuss the matter. For example, if you call the afterhours number on a Friday evening you may find you are contacted by Council on the Saturday to discuss your complaint.

Council Authorised Officers carry photo identification and you may ask at any time to see this. All Council Authorised Officers are required to carry current photo identification when on duty.

Q: How can Council locate all the Short Stay Rental Accommodation properties on the Mornington Peninsula Shire?

Council has engaged specialist third parties who are working with the Shire, in locating any Short Stay Rental Accommodation properties. If the property is confirmed as a Short Stay Rental Accommodation and not registered at the time of the investigation you may receive an infringement.