



Fact Sheet

What is the *Short Stay Rental Accommodation Local Law*?

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

In May 2018, Council adopted the *Short Stay Rental Accommodation Local Law*, providing clear guidelines on the required standards for the operation of this type of accommodation. The Local Law places the responsibility for occupant 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 1 month in a dwelling for commercial gain, excluding other accommodation premises required to be registered under alternate legislation”.

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 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*.

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 notice of direction.

The Code of Conduct creates a standard of management that must be adhered to under the Local Law and further information on the Code of Conduct is included later in this fact file.

What is the Code of Conduct?

The Local Law establishes a Code of Conduct detailing 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 facilities.
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.



Fact Sheet

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.

Who is the Designated Contact Person?

It is a reality that many owners of Short Stay Rental Accommodation do not live locally or are not able to respond in person to complaints about occupant behaviour.

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

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

The contact details of the Designated Contact Person will be provided in writing 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.

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

Owners of a registered Short Stay Rental Accommodation must provide all adjoining neighbours with the details of the Designated Contact Person in writing. If you did not receive these details your home may not be an adjoining property.

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 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 5950 1434.

Who is required to be registered?

Owners of property used as Short Stay Rental Accommodation as defined by the Local Law must apply for registration and pay the prescribed fee of \$335.

Registration is valid for a period of 12 months, unless it is cancelled under the Local Law. Registration is property specific and cannot be transferred to another owner.

Enforcement information

Under the new Local Law and Code of Conduct, the Owners of a Short Stay Rental Accommodation are responsible for their occupants' behavior. This is due to the transient nature of occupancy within the short stay industry, occupants usually only stay for a weekend or a week.

When an Owner registers their Short Stay Rental Accommodation with Council, they are agreeing to the terms and conditions set out by the Local Law and Code of Conduct.

Owners must:

- register their property with Council
- appoint a Designated Contact Person to respond to neighbour complaints within two hours
- apply the Code of Conduct to occupants



Fact Sheet

- provide adequate off-street parking
- provide adequate garbage bins.

Can I call the Council?

If the behaviour of the occupants of a Short Stay Rental Accommodation is causing a disturbance then you can phone the Designated Contact Person and ask them to address the problem.

You may also choose to contact Council to report the matter at any time of day or night. An Authorised Officer will contact you on the next calendar day to take further details from you and investigate the complaint. This does not include intervention with the occupants, this remains the responsibility of the Owner or the Police.

The Shire's afterhours contact service is available from 5pm through to 8:30am on weekdays and across the weekend, please call 1300 850 600.

If you wish to speak to Council during normal business hours, you can call Community Safety on 5950 1434.

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 terms and conditions as set by the Local Law and Code of Conduct.

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

Under the Local Law, any Short Stay Rental Accommodation that receives three substantiated complaints, or fails to manage their property as per the stated requirements over the past 12 months may have their registration cancelled.

If you call the Designated Contact Person and they fail to act, you can report this to Council. Any contact made to the Designated Contact Person must be responded to within two hours (day or night).

Please note, in the event of aggressive or antisocial behaviour, the Designated Contact Person may only be able to call the Police for a resolution.

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 and Code of Conduct.

If you require further information please go to mornpen.vic.gov.au/ShortStay